

Ancient Freedom

PUBLIC ADMINISTRATION OF THE IKSHAVAKUS

तदद्य नैवानघ राज्यमव्ययं
न सर्वकामान् वसुधां न मैथिलीम् ।
न चिन्तितं त्वामनृतेन योजयन्
वृणीय सत्त्वं व्रतमस्तु ते तथा ॥

अयोध्या. ३४।५८

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P R E F A C E

इदं नमो वृषभाय स्वराजे ऋ. १।५।१५

IDANNAMO VRASHBHAYA SWARAJE

That there is no apology needed for writing a book on the subject no one may controvert. Indeed many of my friends, young and old, without a moment's hesitation, felt the need of a book on the Socio-Political Teachings of Valmiki.

The title of the book *Ancient Freedom*, to the best of my memory, is taken from a speech of Pandit Jawaharlal Nehru announcing the sad death of Mahatma Mohandas Karamchand Gandhi. If this book is approved by the discriminating public, I may begin the next on the same lines about the *Mahabharat* and then about the *Eighteen Puranas*.

The substance of the book was discussed in two or three sittings on 7th and 15th December, 1956 and thereafter with Shri D. Krishnamurthi, a retired Advocate and father of our Advocate-General, Mr. D. Narasaraju. The genesis of the talk pertained to the Sunderkand.

At the request of the Secretary of the Theosophical Lodge, Hyderabad, Shri B. Manawala Choudary, Advocate, about half the book, selected and marked

beforehand, was, on 21st November, 1957, read to a select company in which Shri T. Ramamurthi, Advocate, was present. He is a great lover of the *Ramayana* and gives weekly exposition at the Lodge. In order to awaken interest and stimulate understanding I introduced discussions. I had the full benefit of these discussions. Shri Ramamurthi has proposed to bring out a series of pamphlets on the lines on administration in Ancient India.

From 7th to 21st March, 1958, I had the benefit of attending the *Ramayana Katha* by Shri Santan Gopalacharya of the Sanskrit Pathasala, Sitaram Bag, held at the residence of Dr. Diwakaran.

Finally, I often discussed the matter with Shri Gunde Rao Harkare, Vachaspati, Advocate, and he read a paper at my cottage on Janmashtami on Public Administration in the *Mahabharat*. The paper was lost by the Joint Editor of the *Ajanta*, Mr. Bhatnagar, M.A. Any intellectual work in India is highly distressing and above all is the criminal negligence of those that ought to know better.

For the views expressed here, I am personally responsible. As I said in the *Principles of Dharmashastra*, the gotra to which I belong had for its founder Bharadwaj and the gotra of my maternal grandfather is Vasishtha. It was thus a duty on me to write a book of the type that I did.

To Shri T. Ramamurti and Shri Gunde Rao Harkare my cordial gratitude is due. The book was

merely a pamphlet of 37 pages of typed matter. It was revised and reached what seemed to be a maximum of 67 pages. It was Shri Harkare who recast the contents, changed the order of the subject and indeed compelled me to re-write the book. I could not enjoy my summer vacation in 1958 at Arvind Ashram at Pondicherry, and ploughed through Valmiki and the *Taittiriya* and the *Shatpath* and began again and was kept busy until the middle of July. When the book was completed Shri T. Ramamurti Garu gave his suggestions in writing, a rare feature among scholars. Some of them coincided with my views expressed elsewhere, the others were incorporated in the addenda and Sanskrit text is given in an appendix. An Index is given as desired by Dr. V. V. Choudary.

If you find any subject which could be improved, kindly do write to me. If you do not agree with any point stated, please let me hear. If you dislike any matter, give me your reasons and suggestions. If you think the book contains any heresy you may detect, tastes differ, as well as circumstances of each thinker, kindly drop a line. But may I make one request? Do read the book through once.

I reserved to the last the mention of the name of a person who had deeply influenced my work. Prof. Ganesh Dhareshwar, formerly of the Department of Sanskrit, University College, Hyderabad. His essays in the staff Journal, which I lost some 28 years ago, first gave me the ambition to write on the subject. By the kindness of Capt. Surya Pratap,

a re-print of the paper written in 1926, *The Ramayan what can it teach us?* in the *Vedic Magazine* Feb., April, 1949, published from Begumpet, was made available to me.

Chaturvedi Ravindra gave me a copy of Valmiki in one volume edition in 1928. Later he gave me a copy of the *Ramacharitmanas* of Tulsi and I wrote an article entitled the Political Teachings of Tulsidas. But it remained unpublished from 1931. I cannot refrain from citing one extract from it:—

जासु राज्य प्रिय प्रजा दुखारी ।
सो नृप अवश नरक अधिकारी ॥

Jasu rajya priya praja dukhari
so nrap avash narak adhikari.

'If in the reign of any ruler, his dear subjects undergo unmerited suffering, he deserves to be punished both here and hereafter'.

The story of Tulsi is socio-religious-cum-political. His teachings are remarkable in the way they are conveyed. But to Valmiki must be accorded the credit to oppose oppression from whatever quarter it may come.

He was deeply saturated with the teaching of the Atharva and in the tradition of the *Taittiriya Brahman*:—

अग्ने यो नो अभिदासति
समानो यश्च निष्ठ्य

इद्धमस्यैव प्रक्षत

मा तस्योच्छेदिकिञ्चन ॥ तै. ब्रा. २।४।१।२

Agne yo no abhidasati
Samano yashcha nishtya;

Idhmasyev prakshat
Ma tasyoch-chhesh kinchan
(Taittiriya Br. II. 4. 1. 2)

The object of Government is thus laid down in *Taittiriya Brahman*:—

इषे ऊर्जे वृताय, मयोभुवाय
पशुभ्यो रायस्पोषाय होत्रभ्यो ॥ तै. ब्रा. ३।७।७।११

Ishe, oorje, vrataya, mayo-bhuvaya,
Pashubhyo, rayasposhaya, hotrabhyo
(Taittiriya Br. III. 7. 7. 11)

Valmiki particularly emphasises the fact that the book should be "heard daily by those in charge of the Government with respect from learned people", the Yuddha (CXXVIII. 115).

Hon'ble Shri Justice B. P. Sinha (now the Chief Justice of India) and Hon'ble Shri Justice P. B. Gajendragadkar, now of the Supreme Court of India, and Hon'ble Chief Justice P. V. Rajamannar, Dr. K. N. Katju and Dr. Sampurnanand said some kind things about my *Principles of Dharma-shastra*. To them I am sending a copy. I am sending a copy to Pandit Jawaharlal Nehru.

In the *Ramayana* Ram symbolises the surrender of self-interest, complete and unquestioning self-abnegation, and devotion to duty for the love of that duty, not for any reward or recompense. Ram was a

symbol of ordinary citizen in general and of ruling powers in particular, who restored the moral values of the people of Ayodhya by voluntarily undertaking penances; and reforming the whole atmosphere of Lanka, where people revelled to do the wrong and felt ashamed to speak the right. On the overthrow of Dashanan, who symbolised sensuous life, the five sense organs of knowledge and the five organs of action altogether busy in enjoyment when they even as vehicles of the body (dasharath) need be carefully and constantly watched, the evil influence of towering and governing evil disappeared. Vibhishan was now at the helm of State. Think of an agriculturist who in his wisdom weeds out rice, barley, wheat or gram, and retains and tenders all thorny or poisonous vegetation. This was Ravan. The change was brought about by replacing sentiment. This is taking place in the world every moment of our life among all of us. So there is a constant fight between forces of *lokabhiram* and *lokravan*, but in our lives it is normally the latter that wins. It is because we are not supported by vanars.

पुलुकामो हि मर्त्यः

ऋ. १।१७९।५

Pulu Kamo hi martya; mortal is afflicted and assailed by a host of various and variegated, multitudinous desires. Under the influence of his personal weakness man takes a wrong course of action, detrimental to his higher and nobler interests.

दीनता प्रतीपं जगमा

ऋ. ७।८५।३

Deenata prateepam Jagma (Rig. VII. 89. 3). One must overcome his physical and moral weakness—

dedicate his life and give it a point and direction—death is due to the slavery of desire—

विश्वा हि मर्त्यत्वानुकामा

ऋ. ८।९२।१३

Vishwa hi martyatwana anukama (Rig. VIII. 92. 13). His activity should not be narrow or parochial but all-embracing.

विश्वतो धार यजु. १७।६८ अथर्व. ४।१४।४

(Vishwatodhar Yaju XVII. 68, Atharv. IV. 14. 4).

क इन्द्रस्य युज्यं कः सखित्वं

ऋ. ४।२५।२

He must befriend his atma (Rig. IV. 25. 2).

न तं जिनन्ति बहवो न दध्रा उर्वस्मा अदितिः शर्म यंसत्
प्रियः सुकृत्प्रिय इन्द्रे मनायुः प्रियः सुप्रावीः प्रियो अस्य
सोमी ॥

ऋ. ४।२५।५

His one aim is to do golden deeds (*priya sukrita*) he must be thoughtful (*manayu*), he must be *supravi* and must identify himself with truth and justice—Somi (Rig. IV. 25. 5).

अभ्यादधामि समिधमग्ने वृतपते त्वयि । यजु. २०।२४

Abhyadadhami samidham Agnevratpate twayi (Yaju XX. 24). Surrender to Him and His purpose, is but a natural and necessary collary. All his dross is consumed by *vrata* and by *shraddha*. And he embodies truth-duty-justice and service. He is a life-long Brahmachari, hence Vajrang, he is Ramsevak, he is Ram-Sakha. He is the one with subdued ego—Hanuman.

त्वं हि विश्व भेषजो देवानां दूत ईयसे । ऋ. १०।१३७।३

The product of *vayu*, he is *Vishwa bheshaj* and *devadoot* (Rig. X. 137. 3).

The *Ramayan*, according to Prof. G. Dhareshwar, means the Path of Happiness; and happiness lies in the discharge of one's duties.

Kalidas, in the *Raghuvansh* (VIII.2), says of Aja:—

दुरितैरपि कर्तुमात्मसात्
प्रयतन्ते नृपसूनवो हि यत् ।
तदुपस्थितमग्रहीदजः
पितुराज्ञेति न भोगतृष्णया ॥ रघुवंश. ८।२

Duritairapi kartumatmasat,
prayatante nripsunavo hi yat
Tadupasthitamagrahit aja
piturajyeti na bhogtrshnaya.

While this noble passage of recorded history gives us a subjective test, one greater than Kalidas lays down an objective test. Says Manu:

नक्षत्रं ब्रह्म भवति क्षत्रं न ब्रह्म वर्धते ।
ब्रह्म क्षत्रे तु संयुक्ते इहमुत्र च वर्धते ॥ मनु

Nakshatram brahm bhavati, kshatram
nabrahm vardhate,

Brahm-kshatre tu sanyukte ihamutra
cha vardhate.

It is the eternal rule of nature: knowledge and action, the ideal and the practical, must go together to achieve success. The same rule is put differently:

तद्यत्र वै ब्रह्मणः क्षत्रं वशमेति तद्राष्ट्रं समृद्धं
तद्वीरवदिहास्मिन् वीरो जायते ॥ ऐत. ब्रा. ८।९

tadyatra vai brahmanah kshatram vashameti
tadrashtram samradham

tadvirvadahasmin viro jayate, Aitareya VIII. 9.

For want of space three subjects were not touched, viz.—World Government, International Law and Disarmament. Indra is seen quietly to help Ram against Ravan, when he sees any need for help he is ready to render assistance. Indeed in the last stages, his charioteer, Matali, rendered invaluable help by guiding and assisting Ram. My friend Sri Vishwanath Rao Janwadkar maintains that Bali, a crowned Monarch could not have been punished by Ram, who was not a crowned Ruler till then. There is no clear authority, either way on the point may be first conceded. Secondly, the order in the *Shatpath* that a ruling raja shall not be punished, till he is dethroned, and the statement of Manu that the Raja can be punished by fine, and of the *Arthashastra* (IV.13. 59) that the Raja is to be punished by fine go to show that it is the political solidarity that is to be guarded not national sovereignty. Bali was not recognised as a ruler, he had set up independance in the Ikshavaku territory. Thirdly, it is clear that an offence can be punished by the suzerain power if it is an offence under the existing law. Ram exercises that power in the name of Bharat. The International Military Tribunals for Germany and Far East exercised a power which was dubious. It was *ex post facto*. Dr. Radha Binod Pal contested correctly in his judgment that this power did not exist. No illegality is at all authority that could be followed. But one may recall the fact that Krishna punished Jarasandh and Shishupal and no one ever hinted that this punish-

ment was illegal. When both Ram and Krishna punished crowned heads its validity may not be in doubt except to the sceptical. The duty to fight against oppressive monarchs legally crowned is recognised fully by Valmiki, Kautilya, Shukra, and Veda Vyasa in the *Mahabharat*, etc.

As to the loyalty of the allies the passage in which Ravan accused Vibhishan (Yuddha. XVI. 11-15), and the reply of Vibhishan thereto. (Id. 18-27), may be read with interest.

As to disarmament it may be noticed that Valmiki records the custody of arms to be within the special jurisdiction of rishis. In the state it was the Purohit who was in-charge of arms. But more important than this external control was the self-imposed duty of the public. In Ayodhya and Kishkindha there is not one incident of any misuse of power in an age where the state did not enjoy the monopoly of arms. It is the moral superiority of the nation at its height that is in Valmiki preserved to us for a glimpse. This moral discipline is no longer in evidence in any other period of the national life.

For this pen-picture given to us and preserved to us the past generations were grateful to Valmiki; for this life-like presentation the present generations are grateful to Valmiki; for this deep debt of a perennial source of inspiration and guidance the future generations are not likely to forget Valmiki. One may choose to follow Ram; another may choose to follow Bali, and a third may choose to follow Ravan, and the majority of crowned heads may probably follow Dasharath, yet all would be pleased to see a photo-

graph of the others and not recognising himself, in this mirror, may still read the story with pleasure.

Ruskin has a remarkable para in which he speaks of constructive work in general. He says:—

“When we build, let it be such a work as our descendants will thank us for; and let us think as we lay stone on stone, that a time is to come when these stones will be held sacred because our hands have touched them, and that men will say as they look upon the labour and wrought substances of them. ‘See, this our fathers did for us’”.

I can picture to myself, generations of men passing in a pageant of time with diverse cultures, languages, and habits of thought, with discordant political background and practice, reading with respect the annals of Ram, the *Ramayan*, the path of happiness, and expressing their gratitude to Valmiki, so long as there is need for government, so long as there is need for truth and justice, so long as there are untruth, injustice and oppression stalking the land. I am, I hope, wrong. For people may decidedly cherish to attain a kingdom of complete equality, fraternity, justice and dream of Ram Rajya, but having attained it they may say: we enjoy the life of a citizen of Ayodhya, we enjoy Ram-Rajya. If there are lovers of truth and there persists a streak of freedom of thought people may say in all ages and climes:

अहो सुबलवान् रामो महदस्त्रबलं च वै :

यस्य विक्रममासाद्य राक्षसा निधनं गताः ॥ युद्ध. ७२।१०

Aho subalvanramo mahadastrabalam cha vai,
Yasya vikramamasadya rakshasa nidhanam gata-
(Yuddha. LXXII.10).

Aisham aham ayudha San° Syami,
Aisham Rashtram Suviram
vardhayami,

Aisham Kshatram ajaramastu jishnu,
Aisham chittam vishwai avantu
Devah (Atharv. III.19.5).

एषामहमायुधा सं स्यामि
एषां राष्ट्रं सुवीरं वर्धयामि ।
एषां क्षत्रमजरस्तु जिष्णु
एषां चित्तं विश्वेऽवन्तु देवाः ॥ अथर्व. ३।१९।५

Kesari Nikunj,
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Hyderabad-24, A.P.

9th October, 1958.

B. N. CHOBE.

PREFACE TO THE SECOND EDITION.

मित्रस्य चक्षुषा समीक्षामहे । यजु ३६।१८

Free, fearless criticism is above compromise—it cannot be bargained away for a pot of mess; it creates the ability to criticise whatever we revere and love. After this book was beyond my hands once, it soon brought me two lessons. I had read the old proverb: *One cannot please everybody*. The experience came at this time. The second was the nobility of human nature, particularly among those from whom society does not expect much, as it does not confer much on them.

The one letter which I prize most was from an affectionate friend from the Arvinda Ashram, Pondicherry. It was very frank and outspoken. It said "Excuse me I find a nauseating self-advertisement in the Preface" of the book. It was dated 22nd December, 1958, as per post-mark. The Preface may kindly be left out by the sensitive. I was not able to discover the element of self-advertisement so as to delete the passage. But I may submit that one carries his shortcomings about him, try it however he will. The spots on the skin cannot be changed, but geographical spots may be changeable. I can only say:

संत हंसगुण, लहहिं पय ।

परिहर वारि विकार ॥

I am grateful to all those who were so kind to write about the book, or speak about it. As far as

could be the improvements suggested by them are carried out. In its present form the book may be found to serve a real want.

Kavindra Ravindra is reported to have acted Valmiki. The interest in Valmiki is thus in all ages, among persons of all classes, a growing one. It is not likely to decline in the near future, if at all. As to the meaning of the message of Valmiki there may be honest differences.

Professor Robert E. Brown in his book *Charles Beard and the Constitution*, 1956, Princeton University Press, at page 22 formulates some questions customarily applied to any historical work.

(1) Did the author go to the primary sources for his information or did he rely heavily on other secondary writings?

(2) Did he amass sufficient evidence to make his generalisations representative, or is his evidence merely a partial picture?

(3) Were his conclusions justified by the evidence which he presented, or were these unresolved contradictions and inconsistencies which would invalidate his interpretation?

(4) Did the actual evidence presented really justify the interpretation?

I may be very partial to my pet theories and as the *Ramayana* is a hoary book of some eminence, I may be tempted to father it there. Therefore let others speak. One point may kindly be borne in mind. There is no book, ancient or modern, that deals with the political teachings of Valmiki. At the

same time few will be able to controvert the mainly political theme of his message.

Turning now to the issues framed by Professor Brown the conclusions may be summarised:—

(1) The *Ramayana* of Valmiki is the primary source and the author goes to this source and gives copious quotations; the secondary writings are the *Raghuvamsha* of Kalidas and the *Puranas* and *Bhava-bhuti*. They are touched briefly but the main theme is Valmiki. Prof. Ramdev, M.A., and Dr. K. P. Jayaswal's *Hindu Polity* among the modern writings are also casually referred to.

(2) The second issue, first part must be answered in the affirmative; second part in the negative.

(3) The conclusions drawn from Valmiki, naturally flow from the text. On the contrary if these conclusions are not accepted, then much of the text of Valmiki will have no meaning at all or that they will have to be cut out altogether. It is an elementary rule of interpretation known to students of law, teachers of law, lawyers and judges alike that all parts of an authority should be so interpreted as to reconcile the meaning, and if that is not possible to see if there is any one general and any other a special provision of law; otherwise the weaker text or weaker authority will have to be subordinated to the higher. On these principles the conclusions deducible are placed by the author with freedom and independence never taking anything for granted, but in a scientific spirit of enquiry. The main problem would still be, is it borne out by the original? It is left to each discerning reader to think it out for himself.

(4) In view of the conclusions arrived at this issue is answered in the affirmative.

The central lesson of Valmiki is the lesson propounded by the author.

The Constitution of India as a whole came into force from 26th January, 1950. But in India the concept of rule of Dharma, of freedom of speech, of democracy is older than the Ganga and the Yamuna, older than the chain of the Himalayas. The *Arthashastra*, the *Mahabharat*, the *Shukraniti*, the *Ramayan*, the *Shatapath* and the *Taittiriya*, and *Vedic Samhita* constitute the various strata of Democratic thought, each succeeding generation losing something of the might and majesty of law enjoyed by its predecessors. The idea of Democracy is of varying connotation. *History of Law and Political Science in India is particularly not a history of evolution but one of involution.* Personally I believe the same to be true of some other countries too. At least much of the modern progress is based on Ancient Wisdom of the East is also the view of some eminent scholars. Thoreau in 1848 said: "what extracts from the Vedas I have read fall on me like the light of a higher and purer luminary, which describes a loftier course through a purer stratum free from particulars, simple, universal." As to Judeo-Christian teaching one may read in the January, 1953 issue of the American Bar Association Journal the article *Ancient Vision and Modern Yardstick* by Gardner. That is a very remarkable piece of interesting and informative research. *Politics and Ethics* by Robert Gordis published by the centre for

the Study of Democratic Institutions, Santa Barbara, California (U.S.A.) is a valuable pamphlet, with a new approach.

Anyway it is easier to place your views before those that are steeped with the trend of thought of legal interpretation. It is more difficult to deal with others. And even if I beg to differ from Shri M. Patanjali Sastri, my love and respect for him does not abate a jot. Indeed as I wrote to him: 'In spite of difference of opinion, or is it because of it, that I have utmost respect for your views.'

But in due deference to Sastriji I am changing the title of the first Chapter from the *Rule of Law* to the *Rule of Dharma*. As understood by many British Jurists the word law is narrowed down according to the definition of Austin and those that followed in his wake. Page 8 at the end of the Chapter makes it clear, if the rest of it is not, that the word Law is synonymous with the word *Dharma* in the Chapter. As Dr. B. Ramakrishna Rao remarks it is difficult to translate the word *Dharma* into any of the modern European languages.

Shri Dharmadev, Vidyamartand, raised a very important question of the comparative age of Valmiki and the *Taittiriya* and that of the obligations of Valmiki to the *Brahmanani*, particularly the *Shatapath* and the *Taittiriya*.

My conclusions are stated at different places in the book but my reasons are not given. It is a very highly controversial matter. Shri Dharmadev relies upon Shri Bhagwaddutta in the Preface to the *Vedic Kosh* by Hansraj. My submission is, firstly, Shri

Bhagwaddutta at page 11 says "all the *Brahmanani* were collected at the period of the *Mahabharat*". But collection is much later, sometimes very much later. Rigved was printed during the nineteenth century of the Christian Era. But generations of *ved-pathi* and *ghan-pathi* devoted themselves to maintain its text. Even the Bible was collected much later. The story of the Authorised version, the English translation of King James I., as collected under the title *The Learned Men* by Paine, is interesting reading.

Shri Bhagwaddutta wrote the Preface to the *Vedic Kosh* on Magh Shuddha, 10, 1982 Vikram. In the *Vedic Vanmaya ka Itihas*, volumes II and III completed in 1984 Vikram, i.e. in 1927 After Christ, chapters vi. vii, and viii again incorporate the previous material with some additional information. In the two books his views are as follows:—

1. Some of the older *Brahmanani* are, in their original form, very ancient, indeed as old as the creation of Man. The Preface at page 1 and 28 may be read.

2. The present final form of most of the *Brahmanani* was finalised at about the age of the *Mahabharat*, just before the beginning of the *Kaliyuga*.

3. Vedavyasa had taught Vaishampayana who in his turn was the preceptor of Tittiri, the author of the *Taittiriya*.

Some of his views were noted and criticised by Barnett.

It is admitted on all hands that the application of the Vedic hymns is first taught in the *Brah-*

manani. The *Vishnu Dharmottar* (III. 17. 1) lays down:—

मन्त्राः स ब्राह्मणाः प्रोक्ताः, तदर्थं ब्राह्मणं स्मृतम् ।

कल्पना च तथा कल्पः, कल्पश्च ब्राह्मणस्तथा ॥

'Hymns are explained in the *Brahmanani*, for this explanation the *Brahmanani* are intended. Analogy, *Kalpa-Sutras* and the *Brahmanani* lay down the *vinayog* of the hymns.'

The *Brahmanani*, then, in some form, are the oldest human contribution to knowledge.

But, then Bhagwaddutta is not logical at times. For example, in the *Vedic Vanmaya ka Itihas* at page 110 of volume II part one, speaking of the commentators of the *Taittiriya Sanhita* he says about Kundin: 'Kundin is an ancient author. There is little difference of age of the *padakrit* Atreya and Kundin. The period of the *padakrit* is not modern. Almost all the *padakrit* flourished a century or two after the *Mahabharat*. At that time this Kundin must have flourished. But by way of caution we have given as at least fifth Century before Vikram Era'.

It is his caution, then, that drives Bhagwaddutta to give a period thousands of centuries after the period at which all evidence leads him to assign Kundin.

Is not the same spirit influencing him in the same direction as to the *Taittiriya* itself?

Bhagwaddutta at page 18 says that Tittir was of the age of the *Mahabharat* without giving any reason. At page 27 he speaks of Valmiki and the *Taittiriya* without giving any reason. The age of the *Brahmanani* may not be ascertainable by hours, days, months or years or centuries. But after Veda some of them are the most ancient can hardly be questioned. Of these the *Shatpath* and the *Taittiriya* are the most ancient and cited in most books of the highest antiquity, either by name or by merely reproducing the text or the provision being given without direct reference. Secondly, Shri Bhagwaddutta presupposed the main text of the *Brahmanani* to be older than the age of the *Mahabharat*. Thirdly, the text of Valmiki at places definitely mentions ideas borrowed from the *Shatapath* and the *Taittiriya*. To give only three examples: (1) the sixty-eight letters of the alphabet according to the *Taittiriya Shakha* and the moral qualities enumerated by Narad at the opening of the book; (2) the prohibition to kill women; (3) the specific mention of the Acharya and his disciple and Kausalya's patronage of them.

The *Shatpath* (XIII. 4.3.10) says:—

कुवेरो वैश्रवणो राजेत्याह तस्य रक्षांसि विशः ।

(श. १३।४।३।१०)

‘One Kuber Vaishravana is reported a ruler. The Rakshas were his people.’ The *Shatpath* does not record anything about Ram or about Ravan, Kumbhakarn or Vibhishan. Valmiki gives the record that Kuber is the brother of Ravan. The *Shatpath* is thus evidently older. Valmiki records the chronological data from Narad, who must be older and knew what the *Shatpath* does not record.

Any way no one ever said that Valmiki is older than the extant *Brahmanani*.

Finally, it does not touch the question with which this book is concerned, and the learned can decide it after mature thought and mutual discussion.

I am grateful to those members of the International Commission of Jurists that attended the Congress at New Delhi and after reading the book kindly acquainted me with their views. The legal and political institutions of the Ikshavakus formed the basis of all institutions in the known world of the time and of Indian thought and practice they formed the very foundation stone on which the whole structure was built up. The ideal, the method, the working of political life is moulded by the conduct of Ram, and of Bharat.

There is a persistent demand, first voiced by Acharya Priyavrat, Principal, Gurukul Kangri, to translate the book into Hindi. Shri Dharma Dev, Vidya Martand, Editor, *Gurukul Patrika*, wrote to say that the translation may appear in his monthly by instalments. I could not find time to do it. I can only hope that at some time, not far distant, it may appear in Hindi, keeping in view the criticism of Shri R. Venkat Subba Rao, Advocate, Andhra Pradesh, that ‘the only besetting sin of the book is its brevity.’

Hyderabad-24, A.P.

19th December, 1961.

Margshirsh Shukla 13, 2018 Vikram.

CREDITS.

The credit for making the book neat and tidy and making its form attractive to the eye must go to the M. L. J. Press (Private) Ltd. Madras.

I am grateful to the Supreme Court Journal for permission to print as Appendices I & II matter which appeared in the esteemed Journal.

A Hundred texts from Valmiki were added at the desire of Shri T. Ramamurti. Before his sad death he discussed with Shri Gunde Rao Harkare and the author the need to make Valmiki available to the younger generation. This brief selection will serve at least as an introduction.

OPINIONS

Dr. B. Ramakrishna Rao, Governor of Kerala, Trivandrum, (Formerly Chief Minister, Hyderabad) (Now Governor, U.P.).

Shri B. N. Chobe, Senior Advocate, Supreme Court of India, practising at Hyderabad, is a friend of mine whom I have had the pleasure of knowing for over two decades. He had always impressed me as a great scholarly type of gentleman, who devoted considerable time to study and research both in the field of law and of our ancient culture. His book on "*Dharma Shastra*" is a work of research in which he has tried to prove the excellence of the principles of Hindu Dharma Shastra in a convincing manner. He has to his credit other works on various subjects of law which are equally informative and instructive. His scholarship and erudition will be evident from his recent publication entitled "*Ancient Freedom*" which is a comprehensive review of the public administration of the Ikshvaku Kings. The author has brought out in the limited compass of his book the salient features of public administration of Ikshvaku Kings, and the high principles of Dharma on which their administration was based, and buttressed his arguments with profuse quotations not only from the *Ramayana* and the *Raghuvansa*, but from various other sources where references are to be found to the principles of what we now know as belonging to "Ram Rajya". One cannot forget the glowing terms in which Kalidasa describes the principles which governed the lives of Kings in the opening stanzas of the *Raghuvansa*. The word "Dharma" cannot perhaps

be translated into any other language and no other word known to me is capable of carrying to the listener the full meaning and implications of that well-known term in our Shastras. It is that way of life which sustains humanity and is eternal and universal. The printing leaves much to be desired. There are many printer's devils. I congratulate my friend, Shri Chobe, on his excellent work, which is full of information and is a source of inspiration to all who are interested in studying the various aspects of our ancient culture. To be frank, while I know the author sufficiently well and also knew of his wide scholarship and learning, I had no idea of the extent and scope of his researches till I glanced through his recent publication. I have no doubt that his contribution to the study of the public administration of ancient India will be welcomed by the readers. I personally wish him every success in his further researches and works.

(4-xii-1958).

आचार्य प्रियव्रत वेदवाचस्पति, गुरुकुल कांगड़ी लेखक वरुण की नौका, वेदोद्यान के चुने हुए फूल, वेद का राष्ट्रिय गीत तथा मेरा धर्म •

आप की भेजी पुस्तक एंशियन्ट फ्रीडम् पब्लिक एडमिनिस्ट्रेशन आफ दी इक्शवाकूज की दो प्रति प्राप्त हुई। तदर्थ धन्यवाद। ये दोनों प्रतियां पुस्तकालय में रखली हैं। आशा है कि विद्यार्थी तथा उपाध्याय महोदय इनसे यथोचित लाभ उठायेंगे। प्रदर्शिनी में भी रखदी जायेगी।

आपने जिस विद्वत्ता तथा परिश्रम से यह पुस्तक लिखी है वह सराहनीय है। साथ ही इस से प्राचीन भारतीय सभ्यता, संस्कृति तथा प्रथाओं पर अच्छा प्रकाश प्राप्त होता है। इस पुस्तक से भारतीय सभ्यता प्रेमी सज्जनों को प्रसन्नता होगी और अन्यो को परिचय प्राप्त होगा। मैं आपको पुस्तक के लिये बधाई देता हूँ। पुस्तक का हिन्दी अनुवाद भी प्रकाशित होना चाहिये।

श्री धर्मदेव विद्या मार्तण्ड, (देव मुनि) विद्या वाचस्पति, धर्मार्थ सभा, संपादक गुरुकुल पत्रिका, लेखक वेद का यथार्थ स्वरूप इत्यादि, गुरुकुल कांगड़ी

मैंने आपकी लिखी Ancient Freedom; Public Administration of the Ikshavaku) पुस्तक को आद्योपान्त पढ़ कर आज समाप्त किया है। इस पुस्तक की

मैं जितनी प्रशंसा करूँ थोड़ी है। आपने जिस गम्भीर और गहनता के साथ वाल्मीकि रामायण का अनुशीलन किया है उसे देख कर मुझे अत्यधिक प्रसन्नता हुई। The Rule of Law, Democracy at Work, Religious Freedom, Women of the Ramayan, Shudras, The Text of Valmiki ये सभी अध्याय आपके गम्भीर और निष्पक्षपात अनुशीलन और सूक्ष्म विवेचन शक्ति का परिचय देते हैं। रामायण के अतिरिक्त वेद, मनुस्मृति, कौटिल्य अर्थशास्त्र, महाभारतादि का भी आपका गम्भीर अध्ययन इस पुस्तक से सूचित होता है। आपने इस पुस्तक के द्वारा प्राचीन रामायण कालीन आर्य संस्कृति और सभ्यता का जो सुन्दर चित्र पाठकों के सम्मुख रखा है उसके लिये आप विशेषरूप से धन्यवाद और इस में सफलता के लिये बधाई के पात्र हैं। आपने अपने गम्भीर तुलनात्मक अनुशीलन के रूप में जो परिणाम (conclusions) निकाले हैं उन में मुझे कोई विप्रतिपत्ति नहीं किन्तु आपके इस विचार से मैं सहमत नहीं हो सका कि वाल्मीकि को ब्राह्मण ग्रन्थों का भी ज्ञान था अथवा उनका कोई निर्देश वाल्मीकि रामायण में पाया जाता है यद्यपि आचार्य तैत्तिरीयाणाम - कठकालाप - इत्यादि अयोध्या काण्ड के अध्याय ३२ के श्लोकों द्वारा इन संहिताओं की सत्ता उस समय प्रतीत होती है। मैं भी ब्राह्मण ग्रन्थों की रचना का काल महाभारत के आस पास समझता हूँ जैसा कि श्री पं० भगवदत्त जी ने वैदिक कोष हंसराज जी द्वारा संकलित की भूमिका में सिद्ध किया है। ब्राह्मणों की अन्तः साक्ष्य से यही सिद्ध होता है।

एक चीज जो मुझे हर समय खटकती रही और जिस के कारण मुझे उसे समाप्त करने में इतने दिन भी लग गये वह रोमन अक्षरों में संस्कृत श्लोकों का देना है। इसके कारण श्लोकों के ठीक २ समझने में देर लगती है और ह्रस्व दीर्घ के चिन्ह इनमें न होने के कारण उच्चारण शुद्ध हो ही नहीं सकते। इस पर प्रेस भूतों का भी उपद्रव स्थान स्थान पर दृष्टिगोचर होता है जिसको आपका Corrigenda भी पूरा नहीं कर सकता। आप यदि पृ. १४८-१४९ की तरह सब संस्कृत प्रमाणों को देवनागरी में छपवाते तो उसकी शुद्धता और उपयोगिता मेरे विचार में बहुत बढ़ जाती। अस्तु। मैं आपका इस विद्वत्तापूर्ण गम्भीर विवेचन के लिये पुनः अभिनन्दन करता हूँ। (17-xi-1958)।

Hon'ble Shri S. R. Das, Chief Justice of India.
.....will peruse the book with interest.....

Hon'ble Chief Justice P. V. Rajamannar, High Court, Madras:—

I am glad to learn that you are publishing a book on Public Administration of the Ikshavakus.

Hon'ble Chief Justice P. Chandra Reddy, Andhra Pradesh High Court:—

I enjoyed going through the pages of your Book *Ancient Freedom*. It makes a very interesting reading. The book reveals that you have made a critical study of *Ramayana* and have dived deep into ancient lore. It contains very valuable information about the political philosophy and the political institutions of *Ramayana* age. You deserve to be congratulated on bringing out this book.

Hon'ble Shri Justice K. Umamaheswaram, Andhra Pradesh High Court:—

I have perused your book on '*Ancient Freedom*' with great interest. The topics discussed by you reveal your great knowledge of Sanskrit, erudition and scholarship. The researches made by you in the epic of *Ramayana* and the careful analysis and discussion of the burning topics of the day with special reference to *Ramayana* are very instructive. I am sure that your book will be of great assistance and value not only to lawyers but to jurists interested in development of Law.

Hon'ble Shri Justice K. Bhimasankaram, Andhra Pradesh High Court:—

Mr. Chobe's book *Ancient Freedom* which gives an account of the Public Administration during the reign of the Ikshavakus is an extremely interesting treatise. He has a very wide and intimate acquaintance with the material relevant to the theme. But the impression left on one's mind on reading the book is not of the author's learning, wide as it is, but of his powers of acute analysis and his capacity for lucid presentation. To my mind, he has achieved remarkable success in his chosen field of research.

Acharya PRIYAVRAT, Vedavachaspati, Principal, Gurukul Kangri University, author of *Varun-ki-Nauka*, *Vedodyan ke-chunnai Huay phool*, *Ved-ka-Rashtriya Git*, and *Mera Dharm*:

Received two copies of your book *Ancient Freedom*, Public Administration of the Ikshavakus. Kindly accept my thanks. Both these copies are entered in the Library. I hope students and professors will be properly benefitted by them. They shall also be kept in the Exhibition.

The erudition and industry evident from the book deserve praise. It throws immense light on ancient Indian civilisation, culture, and conventions. From this book the lovers of Indian civilisation will be pleased and for others it will be an introduction. I congratulate you on the book. A Hindi translation of the book should also be published.

Shri DHARMADEV, Vidya-Martand, Vidya-vachaspati of the Dharma-Arya Sabha, and editor, the Gurukul Patrika, and in-charge Research Department, Gurukul

Kangri University, author of *Ved-ka-Yatharthha Swaroop*, etc.

I finished your book *Ancient Freedom, Public Administration of the Ikshavakus* to-day from cover to cover. Whatever praise I bestow it is not enough. I was very much impressed by the intensity and depth of your study of the Valmiki *Ramayan*. The Rule of Law, Democracy at work, Religious Freedom, Women of the *Ramayan*, Shudras. The Text of Valmiki, all these chapters give evidence of your deep, independent study and acute analytical powers. This book further shows your deep study, besides the *Ramayan*, of *Ved*, *Manusmrit*, *Kautilya Artha-Shastra*, *Mahabhart*, etc. In this book you have presented a graphic picture of the ancient civilisation of the age of the *Ramayan* before the readers, for this you deserve special thanks and on your success you should be congratulated. The conclusions you derive as a result of your intense study and comparative method, I cannot take exception to them, but I cannot agree with the statement you make that Valmiki knew the *Brahmanani*, or even that there is any clear indication of them in the *Ramayan* of Valmiki although from *Ayodhya Kand*, XXXII, certain verses prove the existence at the time of *Acharyastaittiriyanam*, *Kathakalapa*. I agree that the age of the *Brahmanani* is the time of the *Mahabharat* as proved by Sri Bhagavatdutta in the preface to the *Vedic Kosh* by Shri Hansraj. The internal evidence of the *Brahmanani* also establishes and fortifies this point.

The one difficulty which faced me at every step and long delayed the completion of the book was giving the Sanskrit passages in Roman script. A proper understanding of the shlokas is thereby arrested,

and for want of *hraswa* and *dirgha* indications a correct reading is rendered difficult. The printer's devil is also in evidence pretty often which even your Corrigenda could not remedy. Had you arranged to print Sanskrit passages in Devanagari as at pages 148-149, then in my view its utility and correctness would have been enhanced. Be it as it may, I again congratulate you heartily for your learned, intense study and analysis.

SHRI RAJENDRA.

The importance of history cannot be denied. The nations that have no past can hardly dream to achieve a brilliant future. Here in India we are blessed with annals of great literary, legal, cultural and Social advance as to be our surest guide for the future. From the days of Sir Wm. Jones, Manu is accredited as one of the greatest lawgivers of the World. The Privy Council acknowledged the *Mitakshara* as a great Text book and it may be safely asserted that Ram, as recorded by Valmiki, is our greatest constitutional Ruler. People who would like to know the worth and value of Ram-Rajya as interpreted in modern legal and constitutional language would do well to go to *Ancient Freedom, Public Administration of the Ikshavakus* before reading, and as preparatory to the study of, Valmiki. Is it not remarkable that the West should have indulged in theories while the East actually practiced democracy long, long before it was dreamt of in the City States of Greece; and that on a pattern not yet surpassed in the twentieth Century in Britain. Comparison is odious in law. But it is curious how Vedas, the *Shatpath* and the *Taittiriya* lay down principles of Government which are so

much modern and the *Ramayana* gives a record of a family of monarchs every one of whom may well be a model.....even in the most modern State of the West. Particularly without any reference to theories of Social Contract, or of dangerous instruments of oppression like the Divine Right of Kings, and people, like Stanley Lane-Poole, who think the Eastern traditions no more than that

“East bowed low to the blast

And plunged in thought again,”

would be rudely shocked to learn that the East gave birth to regicides before whom there is no soul anywhere in the West that can stand up in comparison in so systematic punishment of oppressors. Democracy in the West does not go back more than a century. The House of the Ikshavakus is called the Solar Dynasty. According to Todd's *Annals of Rajasthan* many of the Reigning Monarchs of Rajasthan belonged to that family and when the various branches spread in the South, there came to be Ikshavakus here too, tracing back their origin to Ram. That he was an ideal ruler is voiced among the modern political thinkers by Mahatma Gandhi. He did not desire to set the clock back. Indeed we shall need to purify national, international and individual and public life very drastically before we can even make an approach to Democracy of the age of Ram.

This book will remain for some time in the forefront of the Constitutional History of India, studied by lawyers and laymen alike.

Shri Patanjali Sastri, Chief Justice of India (Retired.)

I am in receipt of your letter which was redirected from Madras. You are probably aware that I have

been nominated as a member of the NEWLY CONSTITUTED EXECUTIVE COUNCIL OF THE BANARAS HINDU UNIVERSITY. As the affairs of the University are in some confusion,.....meetings of the Council are frequently called and I am shuttled between Madras, Delhi and Banares. Hence I have not been able to find time for a quiet and complete study of your book on *Ancient Freedom*. I have however read the greater part of it with keen interest and I find it packed with valuable information on the ideas and ideals which form the core of our traditional culture. The numerous references and quotations in the book reveal a wide range of scholarship and research. You have shed a new light on many familiar episodes in our *Itihasas* and *Puranas*, but your attempt to read into some of those episodes essentially modern legal and political concepts like the rule of law, freedom of speech, democracy, etc., is hardly convincing.

Shri C. Rajagopalachari.

I am afraid you have to be content with Sri Patanjali Sastri's response. It ought to be more than enough for any purpose.

I am ill-fitted for any antiquarian research or for expressing any opinion on such research. Kindly excuse me and do not mistake it for a wicked ungraciousness.

Dr. K. M. Munshi.

.....I glanced through your book with great interest.....

The Hindu (5/7/59), Madras.

Shri T. Sundarachariar, author of *Studies in the Ramayana* (with a foreword by Sri Patanjali Sastri).

This is a collection of well-meant but rambling and desultory essays on many interesting aspects of ancient Hindu institutions. The sources laid under contribution are the *Ramayana*, the *Dharma Shastras*, and Kautilya's *Artha Sastra*. The contents include such widely separated questions as the Rule of Law in the *Ramayana* on the one hand and part played by the sages in that epic, Religious freedom and women in the *Ramayana*, Respect for the minority and Economic freedom. The claim among others is made that democracy was at work in ancient times in our land. But it is based on an ignorance or imperfect application of the content of democracy as understood in the modern times.

Some of the cruxes of the great epic like the destruction of Valin by Sri Rama, the role of Vibhishana and the exile of Sita are also discussed in the conventional style rendered venerable by a long line of commentators and critics of the *Ramayana*.

In a chapter on the treatment of the vanquished, the author shows how the element of unbridled revenge or the slogan of total annihilation was never followed, and how the ravages of war were healed as soon as possible. The author's familiarity with the classical epics and Dharma Sastras is wide, but it cannot be said that he has propounded any new or startling theory.

The printing and the style of the book are disfigured by a number of mistakes which should be removed in subsequent editions. The concluding chapter is largely devoted to the praise of Sri Rama as the ideal man of action and as the embodiment of Truth and Dharma. A bibliography, addenda and corrigenda, an index and a list of Sanskrit quotations with sources are given at the end of the volume.

The Andhra Weekly Reporter 1959, Vol. II, page 16
Journal section.

.....whether one can entirely subscribe to his view that democracy in its modern concept was at work even during the Puranic times or not, a study of this book is bound to be interesting and helpful as it furnishes a volume of useful knowledge. The learned author has given proof of his extensive and intensive study of the Sanskrit lore, especially Valmiki's *Ramayana*. We have no doubt that the book will be very widely read and that it shall meet with the success it deserves.

(1959) 2 M.L.J. 24 reproduced the same.

Shri Gunde Rao Harkare, Vachaspati, (Dist. & Sessions Judge, Read.), Advocate, Member, Andhra Pradesh Sarasvat Parishad.

I have read your most valuable book *Ancient Freedom* with deep interest. I simply wonder how

you have arranged almost all difficult problems of life under one subject and dealt with them so successfully and surprisingly that there will be no need for any ardent student for searching any other work to understand the obscure and mysterious problems of life.

I appreciate the way in which you have dealt with different topics so vividly and explicitly that they all converge into one subject of religion—sociology—politics. You have tried to explain the most difficult questions in the *Ramayan* in the light of Vaidic culture and applied them to the present conditions of human life. Your method of expression is concise and clear, seeking to elucidate some of the most difficult and knotty subjects of the great epic.

The depth of Valmiki is impenetrable. The principal sentiment in the *Ramayan* is yet a matter of controversy. According to Anand Vardhan the main sentiment in the *Ramayan* is pathos and other sentiments are auxiliary to it. But some thinkers differ. Tulsidas, Kamban, Eknath and Moropant have sung the holy story in their languages respectively Hindi, Tamil and Marathi in such a manner that Bhakti or Devotion has become a paramount and quite inseparable element in the *Ramayana*.

Your work has sought to interpret the great epic in terms of Freedom of Speech, Duties of the State, Rights of Women and Economic Independence in a way as to make these as Valmiki's principal theme. *Ramayan*, the Path of Happiness, is the *Ritayan*, the path of Truth, Justice, and duty.

Your comprehensive studies in both Eastern and Western literature and well-digested knowledge has

gone a long way in making this arduous venture a success.

Shri C. M. Krishnaswami Iyengar, M.A., Bangalore.

.....I admire it for its brevity, terseness, cogency, compactness and consistency. Your keen insight, rare grasp of legal points, selection of apt quotations and passages from Valmiki, the four Vedas, Manu's *Code of Law*, *Raghuvamsam*, *Upnishads* and the *Arthashastra* and many other important sources, bringing all these together so as to bear upon the theme on hand speak volumes in favour of your study and scholarship. I admire your legal acumen. In the book there are many typographical errors.

The book should be in the hands of every Indian that is my wish.

Rama on his return to Nandigram from Lanka first goes to Kaikayee at Ayodhya and salutes her and says:—

तात प्रीतिः भरत महिमा पौरुषं वायुसूनोः

सख्यं चापि प्लवगनृपतेः कापि सौमित्रि भक्तिः ।

गृध्रत्यागो निजभुजबलं, रावणे वैरि भावः

सीतासत्यं सतीत्वं सर्वमपि तद्वेदितं त्वत्प्रसादात् ॥

(quoted by Govindaraja in his commentary at the end of the Yuddha Kanda).

Rama took the exile calmly as fate's decree and gladly went to the forest since he had to fulfil his purpose of दुष्टदमनं and शिष्टरक्षणम् ।

I cannot close this letter without quoting two well-known Slokas:

त्यजेदेककुलस्यार्थं ग्रामस्यार्थं कुलं त्यजेत् ।
 ग्रामं जनपदस्यार्थं आत्मार्यं पृथिवीं त्यजेत् ॥ १
 स किं सखा साधु न शास्ति योऽग्रिपं
 हितान्नयः संश्रुणुते स किं प्रभु ।
 सदानुकूलेषु हि कुर्वते रतिं २
 नृपेष्वमात्येषु च सर्व संपदः ॥

—किराते

Dr. V. Raghavan, The General Secretary, the All India Oriental Conference XX Session held at Bhubaneswar, October, 1959, in the Summary of Papers at page (166).

The Sages in Valmiki

This paper evaluates the personality of the Rishis of old and the role they played in the affairs of the times, particularly as they strike one from the modern point of view.'

Shri Chudamani Chaturvedi, Calcutta.

.....The book contains highest teaching
The ocean of Valmiki is poured success-
 fully into the earthen jars of a modern European
 language.....

The Indian Year Book of International Affairs, (1959), Vol. VIII, page 482, (Madras).

Shri B. N. Chobe, Advocate of the Supreme Court, Hyderabad, has published articles and books on Judiciary in Ancient India, Art of Government

in Ancient India, Principles of Dharmashastra, etc. and in this small book he arranges passages from Valmiki's *Ramayana* under several headings like the Rule of Law, Freedom of Speech, Fundamental duties of a State, Qualities of the Officers of the State and so on, in all making sixteen chapters. It is difficult to get from the book full justification for its title, Ancient Freedom or for its sub-title, Public Administration of the Ikshavakus in the sense in which the phrases are ordinarily employed in the English language. It is indubitable that Shri Chobe has read the *Smritis* and the *Puranas* with diligence and devotion. He is also convinced that it is important for pupils at school to study Valmiki as a text-book of civics and politics. No one will underrate such studies or wish to impede them. But how exactly the ancient virtues and the equally ancient deviations from moral standards can serve as examples and warnings to the citizen, the official and the public man of free India in their daily conduct is not very plain. It is permissible to infer from the text *Dharmo hi paramo loke* that a high notion of natural justice was part of the culture of the people described by Valmiki, but does that also point to the Rule of Law, a much narrower and more pragmatic idea? That in the epic several characters speak their minds freely can be cited as evidence of 'freedom of speech, of thought and expression' makes us doubt the value of interpreting ancient Sanskrit literature in terms of modern English constitutional law.

But we have a tradition in this country of public recitation of the puranas by scholars who read or

recite the passages and comment on them. These comments, intended to confirm the adherence of the community to the received ways of life and thought are also directed to contemporary ideas and fashions. When these are compatible with the traditional outlook or can be accommodated within it they are adopted and treated as modern expressions of antique faith. Where their social and moral credentials are in doubt they are held up as ideas and practices of ancient demons vanquished long ago but still coming up to take their punishment again. It is against the background of folk practices and folk culture that books like *Ancient Freedom* should be evaluated, as genuine and customary explication of the value system of our people. The characters of Valmiki are more real to most people in India than more historical passages ancient or modern. Therefore there is nothing incongruous in trying to extract principles of conduct from a study of what these characters said and did. Such principles may nourish and sustain the nation. Shri Chobe has done well to collect the many verses of the *Ramayana* and several parallel passages from the Vedas and the *Upanishads* that relate to public conduct and personal behaviour. His incidental comments on these excerpts are generally sound. Yet one is left in doubt as to what was at work in Ayodhya. It was no doubt magnificent, but was it democracy? Nor can we now see any reason why it should have been. The true position seems to be that we can outgrow our obsession with western political institutions and ideas more readily than our willing submission to the spell of Valmiki.

FOR THE RULE OF LAW

By

B. N. CHOBE

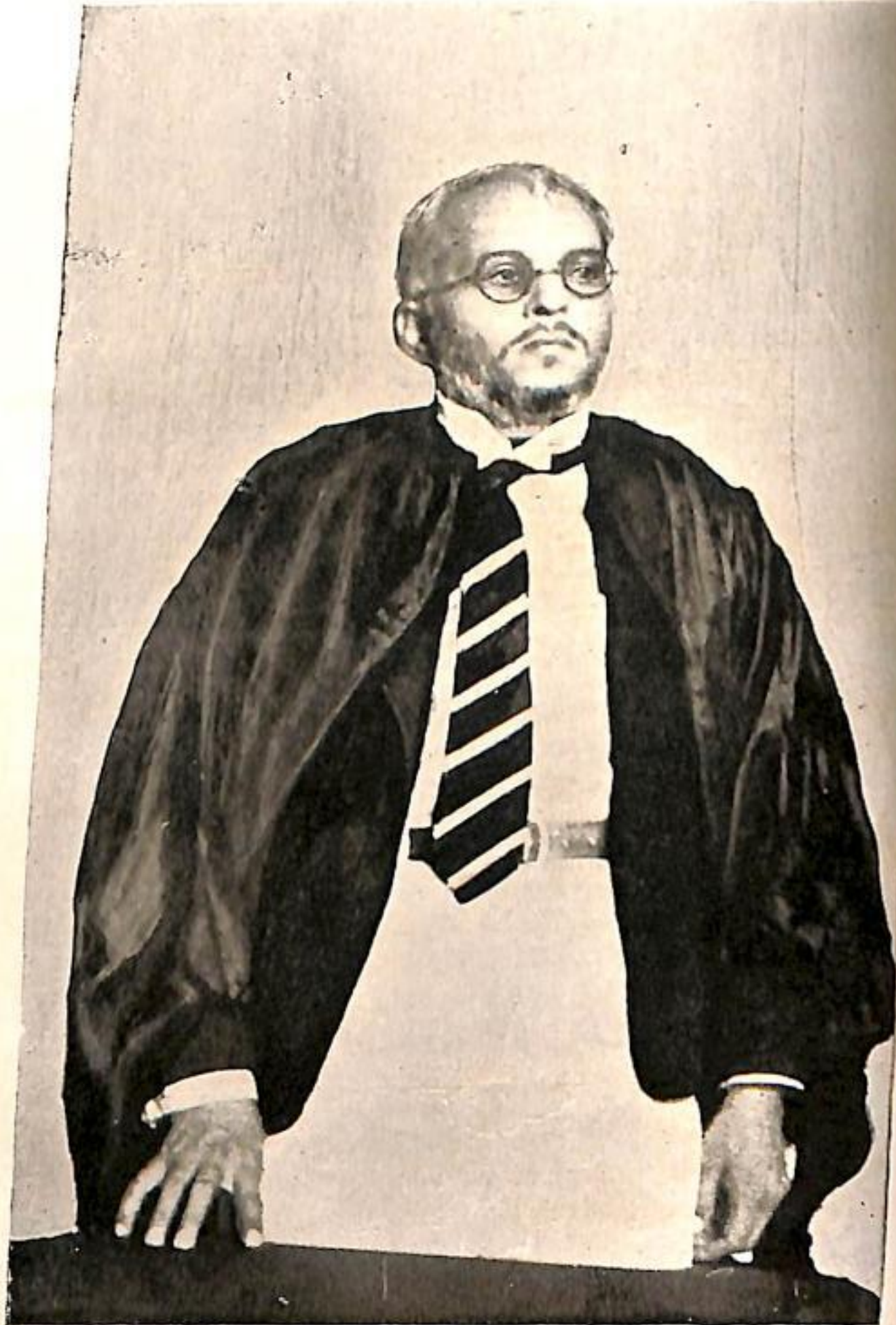
An essay-report of the I.C.J. Congress at New Delhi.

Views of participants of the Congress.

1. Dr. Jean Flavien Lalive, Secretary-General: "I was delighted to receive booklets Nos. 8 and 9 in the Purushottamdas Memorial Series which were compiled and prepared by yourself. I perused with admiration your excellent interpretation of the *Message of the Shakuntala*, and enjoyed re-living my very pleasant stay in New Delhi as I read through your *report-essay* covering our Congress there last year."
2. Shri Charles G. Raphael, Delegate to the I.C.J. Congress, of the New York Bar: "The first page is very enticing, and I am particularly glad to see the reference to the I. C. J. How true it is when you say that there is nothing higher than law. It sounds like Lord Coke speaking. Just this week we had the pleasure of once again seeing Shri M. C. Setalvad here in New York, and we all wish him success in his efforts to build a strong, independent Bar in India along national lines."
3. Shri Dudley B. Bonsel, Delegate to the I. C. J. Congress, of the New York Bar: ".....*For the Rule of Law*. It is a fine report of the Delhi meeting and I shall treasure it as a happy moment of our work

together and of the fruitful Congress in which we participated. I hope very much to have the pleasure of working with you again one of these days for the Rule of Law."

4. Shri Bethuel M. Webster, Delegate, I.C. J. Congress, of the [New York Bar: "*For the Rule of Law* I read to-day. While I was glad to be reminded of the proceedings and other personalities of the Congress, what pleased me most was your appreciation and description of the spirit of the meeting and the desire of men of goodwill to promote peace and justice."



The Author.

ANCIENT FREEDOM

PUBLIC ADMINISTRATION OF THE IKSHAVAKUS

(1) THE RULE OF DHARMA

Dharma is the divine gift of rules of conduct for the well-being of individuals and society. It is binding on princes as much as paupers. Bharat enumerates the offences for which Ram might have been exiled. When Shatrughna tried to punish Manthara, Bharat warned him that it would bring down the wrath of and punishment from Ram. Bali is punished for breach of Dharma. The war with Ravan was caused by the breach of the Dharma. The alliances with Sugriva and Vibhishan were due to their allegiance to Dharma.

In Ayodhya (II. 38) people describe Ram पुत्रेष्वग्निषु दारेषु प्रेष्यशिष्यगणेषु च (अयोध्या. २।३८) He is shown to be anxious about the moral and material condition of judges; they further say of him: रामो लोकाभिरामोऽयं (अयोध्या. २।४४) Ramo lokabhi-ramoyam (Id. 44) Ram is the benefactor of mankind, or Sarvabhut hitai ratah (Arthasastra Bk. 1, Ch. 5) as described by the constitutional lawyer, Kautalya Chanakya. He punishes those that deserve punishment, to the innocent he is never unkind (Id. 46). The advice of Dasharath to Ram (Id. III. 42 *et seq.*), the questions which Ram put to Bharat (Id. CI. 11 etc.), and Sita to Hanuman (Sundar XXXVI) contain the best that ancient India thought about Public Administration. Some of them will bear an examination.

When information is laid as to the commission of an offence, and it is established to the satisfaction of the judges, should orders be passed carefully avoiding all interest, anger and leaving all *vyasan*, i.e., evil habits. Thus would the masses be protected. Sufficient store of food must be maintained, and military equipment must be up-to-date and of all kinds of arms. While the other aspects of the teaching would be self-evident, one point may be stressed in the modern set up. Neither Vishwamitra nor Dasharath ever hinted that Ram was to undertake a fast to death if any enemy tried to do him harm. Twice had Ram to use the threat of force against his allies: Sugriva when he forgot to help Ram in the enjoyment of his recently recovered kingdom; and Sagar when Ram could not get a safe passage to Lanka. Then as to the three preventives of even-handed justice, it may be noted that interest does not mean corruption merely, an interest may arise when one has any ulterior motive to act in any particular way—it may be to please a friend, or a superior, to injure some third person, to obtain a favour, promotion, confirmation, indeed desire or *kama* is hydra-headed, raising its head where one least suspects, and taking up so charming an appearance of duty, that it is difficult to tear its veil on veil behind and visualise its true form. It comes as national interest, communal good, social progress, the need for the time, and what not. In removing the external robes of justice, one may see the deep scars on her body inflicted by her votaries by their desires. As I said in a radio talk in 1948, in all great cases the whole nation is on its trial. Try to write a judgment on the facts now established in the cases, e.g., of Jesus the Christ, of Socrates, of Galileo, of Tilak, of Mahatma

Gandhi or any one you like, and see how desire provided with the colouring matter so deeply as to blind man from seeing the naked truth in its purity.

Anger is equally strong, and no less destructive. It may assume the form of *manyu* or holy wrath, and education, personal experience and social theories of judges also influence their outlook and judgment. *Vyasan* or evil habits are also forceful elements in the prevention of justice. Try to recall some incidents in which you think the balance of justice was upturned by some habit or other. No contempt of court arises from frank and honest criticism, but from the conduct of the judge. *Bona fide* fearless criticism is a tonic, a purifier. Sita may have to go, but free expression of opinion could not be restrained. It ennobles both the persons, heightening the sanity of the criticism, and removing the causes of complaint. Criticism is as much a duty, (see Yaju XXXVI. 18 and (1958) II. A.W.R. 9 Journ.), often a graver duty. He who would try to snatch the partridge from the jaws of the wolf has naturally to run risks too. Ram speaking to Guharaj (Ayodhya LII. 72) says :

अप्रमत्तो बले कोशे दुर्गे जनपदे तथा ।

भवेथा गुह राज्यं हि दुरारक्षतमं मतम् ॥

(अयोध्या. ५२।७२)

'Ceaseless vigilance must be maintained in the protection of the forces, the treasury, defences and the people; the protection of a state is the most difficult object to achieve.' Specially instructive is his advice to Bharat (Ayodhya CI). राज्यं भ्रष्टं बालस्य 'State goes to ruin in the hands of the inexperienced'. The

word *Bal* means a child. But Ram and Bharat were of the same age; therefore age is not the criterion here. The word is defined in (Ayodhya LXIII. 7) Ram was trained while Bharat was not, he remained with his maternal grandfather. 'Does the Protector attend to the duties of the state and welfare of the people? Is the *Purohit* properly honoured? Is his son properly looked after? Did you appoint to the judiciary men with knowledge of law, intelligent and truthful? Do they perform their duties regularly and in time? Do you honour and maintain the learned political leaders, civil and military services, teachers, men of political experience and members of the political assembly, physicians and lawyers? Do you respect Sudhanva, the expert in military armaments? Did you appoint as Ministers men who are brave like you, learned, self-controlled, of respectable family, visionaries? Counsel is the secret of success in state works, therefore learned in law must always be consulted. Do you consult all your Ministers together? Does your secret leak out? Do you get early information of the decisions arrived at by others? Do you honour only one learned instead of thousands of fools? At critical moments only the learned can help. If there be but only one Minister tactful, brave, intelligent and possessed with foresight he can render immense help and service. For difficult tasks do you appoint qualified first-rate men, for ordinary work ordinary men and tried Ministers should be appointed to the most complicated work.

'Severe punishment defeats its purpose, and the people hate such governments.

'He who would not punish physicians and public servants that are oppressive will have to repent.

'Did you appoint as your commander-in-chief one that is patient, brave, wise, intelligent, of high family, tactful and loyal?'

For want of space the rest of this long chapter must be left out. It will be observed that most of this teaching is so highly modern in its content that it is surprisingly found in Valmiki, and if a modern textbook were compiled without giving the name of Valmiki few could detect how old the teaching is. At least (CI. 56-72) must be read with care. Does any nation want to know its position? It should ask itself three questions:—

(1) How is its wealth being utilised?

(2) Do judicial officers or public servants oppress honest and true men for self-interest? Or do they let off offenders against whom there is ample evidence under corrupt motives?

(3) When powerful and weak persons are opposed are they getting justice as if the difference of power and position and money did not exist?

In any society where the call of duty is silenced by self-interest, or personal interest is wholly swallowed up by duty, or duty and interest are both dominated by greed, or finally duty is set aside and personal whim or pleasure take its place the balance is soon upset (CI. 56-58, 62).

Sita in Sundarkand (XXXVI. 14 *et seq.*) asks Hanuman certain questions which have important

bearing in two ways: how deeply women of the age were trained in political science and art, and, further, to show the current political ideas of the age. Only salient features of this passage could be examined here in brief.

'The protector should not be stricken with grief, perplexed with difficulties, or should never cease to strive for success. Habituated to pleasure he should not be depressed by adversity. Patience he must have. He must make allies, and be friendly to other powers. He should properly make use of the fourfold relations political and economic co-operation, breaking the power of the enemy by division, and punishment. He must try hard for success and never lose sight of the laws of nature. His intelligence department must be careful, his allies prepared to help him, and his family united and happy, his people always loyal.'

It would be well at this stage to go back for a moment and watch Bharat trying to influence Ram to go back to Ayodhya. First he makes a request that Ram may be installed then and there (CII. 8); he prays that he is Ram's brother, disciple, and liege subject (Id. 12); falls down at his feet (Id. 14); but Ram still insists that Bharat shall have to take up the duties of government in conformity with the wishes of the people (Id. 23); and that he would suffer exile according to the will of his father (Id. 26). Bharat again persisted mentioning his inability, the tradition of the family that the eldest son is entitled to the throne; that Dasharath himself died remembering Ram (CIII). Ram was deeply touched by the news (CIV), and later came Vasishtha with the three queens of Dasharatha. The next day Bharat pleaded that the

rajya given by Ram to Bharat is returned by the latter (CVI. 4); Ram explained the tenure of human life, and Bharat began again (CVII). Ram discloses that there was an agreement with Dasharath at the time of his marriage with Kekayee that her issue will inherit the crown (CVIII. 3); Jabali then tried to persuade Ram (CIX), and Vasishtha had to intervene (CX). When nothing was effective Bharat threatened to fast (CXII. 13), and Ram dissuaded him, Bharat made the most effective appeal to the people (Id. 19). But they agreed with the position taken by Ram (Id. 21).

This appeal to the people is very important. It comes last when Bharat fails in every persuasion. He has to take a vow that he would also suffer exile for fourteen years (Id. 26).

The power of the people is thus manifest. Bharat had to go back (CXIII. 21). No amount of guarantees of fundamental rights, no amounts of polished prose in the constitution, no amount of poetry in praise of liberty would make liberty a real achievement, unless that liberty has awakened the minds of men. The sanctuary of *Aditi* is the mind of man. Justice and liberty are not merely concepts. They are modes of life. The people had come all the way from Ayodhya to take back Ram. After hearing both Ram and Bharat they came to the conclusion that Ram was correct in his attitude, and so was Bharat. Neither of them could take up the duties of governance of the country. Bharat had therefore to be content with getting the consent of Ram to accept the rajya after the period of his exile was over.

A very grave political crisis was over. Not one drop was spilt of any human blood. It was because from the plane of self-interest the main actors had lifted the matter to ethical and moral heights where only duty had a voice. Dasharath and then Laxman would have the politician to take the place of the moralist, but Ram was adamant. Here lies his greatness. The succeeding generations honour him as *Maryada-Puru-shottam*, he who kept the duty, disregarding his personal interests and undergoing many trials for fourteen years, never for a moment swerving from the path chosen, viz., that law and justice is supreme in the world, truth is included in law and justice:

धर्मो हि परमो लोके धर्मे सत्यं प्रतिष्ठितम् । अयोध्या. २१।४१

Dharmo hi paramo loke, Dharme satyam pratishthitam (Ayodhya XXI. 41) and his advice to Laxman was to follow the rule of law, not the rule of power:—

धर्ममाश्रय मा तैक्ष्ण्यम् । अयोध्या. २१।४४

Dharmamashraya ma taixanyam (Id. 44)

As Laxman lay dying from shakti, Ram was pained very much, as was natural. But even then he thought more of the plighted word to Vibhishan to crown him king of Lanka. Here, then, was a life dedicated to the rule of Dharma: the rule of *Satyam*, *Shivam*, *Sundaram*, for in the ultimate analysis of things truth and law are identified, as the *Shatapath* (XIV.4.2.26) and the *Brahadaranyak* (I.4.14), lay down. This law is not only not harmless, not ugly, but is positively ennobling and beautiful. If understood correctly, truth is the basis of law and law is the basis of morality.

(2) NEED FOR STUDY

Had India ruled the United Kingdom for some two hundred years, had British boys been trained to say that the Government established by India is the promised heavenly government on earth, had it been instilled in their minds that Britain never had any political, social, economic and judicial progress at all, had Indians with a knowledge of English of about the third standard in any public school in Britain, but Munshi Fazil, Maulvie Alam, Shastris, and Vachaspati, with no knowledge of law, no faith in the traditions and laws of Britain, sitting at Mathura or Varanasi or Delhi, had these luminaries said that Britain never possessed any government, had no law for twenty centuries, the Magna Carta was the name of cigarette, better known as Magnum, the name Shakespeare was the king Shaikh Chand of happy memory, Bill of Rights Acts were intended to perpetuate wrongs, the Parliament Houses were the chawls, where persons with no other work to do rushed in times of rainy season, and inclement weather, and similar other learned theories had been propounded, and the fourth and fifth generation of British citizens brought up with utmost faith in Indian Government of their country, quietly subscribed to all this, and held up their masters, and passed resolutions expressing their gratitude, it will be on a par with the learned disquisitions of the authors of the *Cambridge History of India*, Vol. I, and Wigmore's *Panorama of World's Legal Systems*, detailing Hindu and Muslim laws, history, and political and social progress, and the *Vedic Age*, published by the *Vidya Bhawan* under that lawyer, scholar, cum poet, K. M. Munshi.

(Note:—Shri Dharmadev, Vidyalkar, Vidyamartand has published in Hindi a book in reply to the Vedic Age entitled *Ved ka yatharth swarup*.)

It is a matter for utmost regret that there is no traceable that critical study of literature in India as is met with in the West. Dr. Raghuvir was editing a correct text of the *Ramayana* but the edition of the *Gita* brought out by the Bhandarkar Oriental Research Institute does not give complete satisfaction when compared, for example, with the variorum editions of Shakespeare. The oldest book in the library of mankind, Ved, is not yet brought out in its pure text while the Bible is being handed to every student passing his B.A. in the finest printing and attractive binding. I had occasion to write to Mahamana Pandit Madan Mohan Malviya and the Gita Press, Gorakhpur, to gift a copy of the *Gita* to every student that passes his matriculation—irrespective of caste or creed but both expressed their inability. Three decades passed on and yet this scheme remains unrealised yet, while the U.S.A. have published the finest art collection of the photographs of Ajanta, we are not yet able to print the text of our finest literary monuments—the Ved, the *Ramayana* and the *Mahabharat*. And as for critical appreciation of the contents and the evaluation of their teaching it may yet remain a dream for sometime.

Dr. Beniprasad intended to do some work on the Constitutional aspect of our ancient literature, when Dr. K. P. Jayaswal has remained the last word for now four decades, but even this was to remain an unrealised dream. Some effort is being made in this brochure to bring together within as short a compass

as possible the salient administrative features of the great dynasty of constitutional monarchs, the Ikshavakus.

The Ikshavakus have many great rulers, of whom Dilip, Raghu, Aja and Dasharath were and still remain the greatest names. But towering them all is the personality of Ram. The *Ramayan* is the record of Ram from his birth to the victory over Ravan, coronation and the happy administration, attending to the welfare of all his subjects. The *Raghu-Vansh* is the record of the twenty-nine rulers of the family of Ikshavakus, and may be termed the Rise, Decline and Fall of the Ikshavakus. Few would need reminding the name of the great author, Kalidas, who for literary excellence, political teaching, portrayal of history, is unsurpassed. To me the finest passage in the *Raghu Vansh* seems to be (XIV. 40) where he is forcefully describing the weight and value of public opinion:—

अवैमि चैनामनघेति किंतु

लोकापवादो बलवान् मतो मे ।

छाया हि भूमेः शशिनो मलत्वेन

आरोपिता शुद्धिमतः प्रजाभिः ॥

रघु. १४।४०

Avaimi chainamangheti kintu,

lokapvado balvan-matome;

Chhaya hi bhume shashino malatwen,

aropita shuddhimatah prajabhi.

And read the noble passage from 62 to 67 and then the final portrayal in 85:—

राज्यं रजोरिक्तमनाः शशास । Id ८५

Rajyam rajoriktamana shashas.

This is leading us to the saddest and noblest part of the life of Ram—the hand of iron duty bidding him to work still, dutiful, deprived of the company of his charming and dutiful, learned wife. Compare for a moment the act of Ram with the deed of the modern governments which would not dismiss the least of its servants for the thought of its privileges, caring little for duty, be the set up monarchical, dictatorial or republican.

The few ideas that came to me after studying the story of the *Ramayan* are here set down so that others more capable may kindly take up to remove the defects and write an independent treatise.

(3) FREEDOM OF SPEECH

The Bramhagavi Sukta in Atharv (V. 18, 19), (XII-5) lay down the law as to freedom of speech. There are many other passages and the hymns collected by Shri Shripad Damodar Satwalekar in the *Daiwat Sanhita*, Vol. III, under the caption *Gau* may be read in this connection, along with the inimitable little book in Hindi, *Brahman-ki-gau*, by that scholar, Principal Dev Sharma Abhaya, of Gurukul Kangri. One would like to know how this law was actually administered, and what was the constitutional practice of government said to be the most powerful and autocratic.

The most critical moment in the annals of the Ikshavaku dynasty was that when Ram was to be sent into exile for fourteen years, but his installation as Uvaraja was no less momentous a decision. Let us examine these two incidents first as to the freedom of speech in practice.

The first point to note is that so popular was Ram among his people, that in the inimitable words of Valmiki लकपालापम नाथमकामयत् मेदिनी

Lokpalopam natham akamayat medini (Ayodhya I.34), every one desired to make him his ruler. Dasharatha also wished the same thing, and after consulting his council of ministers, invited his assembly (Parishad) and other rulers except two Janak and Kekayaraj. Before this assembly he declared that परिश्रान्तोऽस्मि लोकस्य गुर्वी धर्मधुरं वहन् । अयो. २।९

Parishrantosmi lokasya gurvim Dharmadhuram vahan (Ayodhya II. 9). Then Dasharath seeks the opinion of his assembly. They unanimously desire Ram to be proclaimed (Id. 21-22). When cross-examined they gave the reasons for the selection:—

1. Ram is truthful to the extreme,
2. He is valiant, is always victorious wherever he goes,
3. He loves the people as one would his own child, and daily makes enquiries about them,
4. He particularly takes care of children, of women research workers, of judges, (Agni), students, and emissaries,
5. He takes part in all national and religious functions,
6. He takes interest in bringing happiness to the people,
7. He is not addicted to any sensuality,
8. He punishes according to law,

9. To the innocent he is never angry,
10. Then they repeat in (II. 48) the line cited above in (I. 34).

Valmiki does not here reproduce every speech but like a recorder of events put on record every item of use to the nation. His chronicle of events contains half a line which is very suggestive—

सर्वान् देवान्नमस्यन्ति रामस्यार्थे ।

Id ५२

Sarva Deva Namasyanti Ramasyarthe. (Ayodhya II. 52).

'all wise men pray to God for Ram.' History offers no second illustration where the son was extolled before his father, and the father requested to retire to make room for his son. Revolutions, bloody and bloodless, were many, but here was the exercise of a freedom never again met with in the annals of humanity.

The ideals entertained of the government of Ram by the seething mass of humanity are portrayed in Ayodhya (XVI. 45).

Now let us turn to the supreme moment when Ram is about to leave home for fourteen years, and the public feels the injustice of the conduct of Dasharath. This is described in Ayodhya (XXXIII. 6 *et seqq*). Particularly in 5 it is said that after the exile of Ram the people would become unhappy, withering like flowers when the stem of a tree is cut down. They are reported to have said that they would leave Ayodhya and follow Ram (Id. 22).

As for the views of the leading men of the age, one may read *in extenso* the speeches made by Suman-

tra, the Prime Minister Siddhartha, and the Purohit Vasishtha, Ayodhya (XXXV-XXXVII). Indeed Vasishtha goes so far as to suggest that in the absence of Ram his wife Sita should be the protector. But if she goes to exile he and the rest of them would leave Ayodhya (Id. 24-25). Vasishtha further warns that if Bharat is really born of king Dasharath he will never accept the crown, (Id. 30). This is the first expression of public choice, and is adhered to by all. Vasishtha is so positive in his statement that he emphasises by saying to Kaykayee:—

यद्यपि त्वं क्षितितलाद्गगनं चोत्पतिष्यसि ।

पितृवंशचरित्रज्ञः सोऽन्यथा न करिष्यति ॥ Id ३७।३१

Yadyapi twam kshititalat gaganam chotpatishyasi,

Pitra vansh-charitragya so anyatha na karishyati. (Id. XXXVII. 31). 'Even if you die, Bharat will never do anything against the traditions of the family of Ikshavaku.'

It is further recorded that when Sita put on *valkal* all men and women assembled there condemn Dasharath. (XXXVIII. 1). The feelings of the masses and their speeches may be read in *sarg* forty-nine of Ayodhyakand, and their oath in *sarg* forty-eight *shlok* 23. So far we have given the speeches only of the highest thinkers of the age and of the masses, but the real test of the freedom of speech lies in the right to speak what the authority hates. There are two such illustrations: those of Laxman, and of Sita. Ayodhya (XX. 1, *et seqq*.) and the next two *sarg* also should be read with care. Laxman is prepared to fight Dasharath and Bharat, calls into question the sanity of the king, cites the rule that even the guru should not be

obeyed if he conducts himself against the law, he prepared to slay the whole of Ayodhya if it illegal opposes Ram. He would exile those that would send Ram into exile (XXIII. 23).

Laxman is not punished for these sentiments, he is taught the duty to love and respect one's elders and to follow the law implicitly. See (XXI. 44) and (XXIII. 42).

Ram told Sita how he had been exiled, and that in the presence of Bharat she should not praise Ram as people who attain greatness do not like others being lauded before them, (XXVI. 24-25), she should respect her father and mothers-in-law, and Bharat and Shatrughn are as his sons to him, and dearer to him than life, they should be particularly treated. Never act against Bharat, for he is the protector of the country and the family, (Id. 33-34). In *sarg* thirty she bursts forth in anger, and says some harsh things. It may be read *in extenso*.

The one person responsible for the exile of Ram is Manthara. With Kaykayee, the youngest queen, she had been deputed by her father to guard her interests. Shatrughn would have punished her, but Bharat warned him, that if Ram gets to know of it he will punish us (LXXXVIII. 23).

With the death of Dasharath this part comes to an end. The second aspect of the freedom of speech in action is not at all examined in detail. Early morning the learned collected in the sabha the foremost among them consisted of Markandeya, Maudgalya, Vamdev, Kashyap, Katyayan, Gautam, and Jabali. They proposed to Vasishtha to select someone from the family of Ikshavaku and to proclaim him. Vasishtha knew

Bharat well, he had said that Bharat will not accept the crown. If, therefore, Bharat does not, Ram may, after his return, accept the responsibility. Vasishtha sent for Bharat, and deputed the Prime Minister Siddharth and three others for the purpose, (LXXXVIII. 5). It took Bharat seven days to cover the distance to Ayodhya. He tells his mother that Ram is to him as his father, and he would fall at the feet of Ram. Then Bharat enquires why was Ram exiled? Did he punish any innocent person? Did he cast eyes on any married woman? Kaykayee gives the reason of the exile. Bharat then gives two reasons:—

(i) Dasharath himself was protecting the country with the help of Ram, so how can I alone discharge the duty, but even if I could, I would not please you in this matter.

(ii) In this family the rule of primogeniture prevails, how is it that you do not know it?

'I shall therefore go to Ram ask him to return and shall ever remain as his humble servant, (*Sarg* LXXIII. 27).'

'You have thus made me detestable to every one (LXXIV. 11). I shall act in a way as to discharge the duty to my father and brother and get fame (Id. 30). I cannot see the people mourn for Ram, I shall bring him back and suffer exile myself (Id. 32 *et seq.*). As penance you may enter the fire, live in forest or hang yourself by the neck.'

Bharat went out to meet Kaushalya and she and Sumitra came out to meet him, and then tears of love once more united the hearts of the family and melted away all ill-will created by Kaykayee.

Under orders from Vasishtha the cremation ceremonies of Dasharath were performed.

On the fourteenth day from the cremation of Dasharath, people assembled and requested Bharat to take up the rajya, as the king was dead and Ram and Laxman were exiled (LXXIX. 2 etc.), Bharat refused, and the unanimous verdict of the people supported him (Id 14). This gave great satisfaction to the council of ministers and the Prishad, (Id. 17). Then the Sabha was held, and Vasishtha requested Bharat to shoulder duties of raja, according to the wishes of Dasharath and Ram (LXXXII 5-7). Bharat solemnly refused, and said:—

कथं दशरथाज्ञातो भवेद्राज्यापहारकः ।

राज्यं चाहं च रामस्य धर्मं वक्तुमिहार्हसि ॥ Id ८२।१२

‘as a son of Dasharath how can I covet the throne of another. It belongs to Ram.’ (Id. 12).

It is not proposed to carry the story any further. It is so well-known, and yet bear repetition a thousand times. But space forbids.

We have given above some illustrations picked up at random of every type of speech, to show that there was no restriction of freedom of speech and expression, provided it did not directly incite to violence or was not itself an offence. Even Guharaj, and sage and seer Bharadwaj suspect the intention of Bharat and freely question him about his plans. Those that talk about the irresponsible, autocratic rule in the East may here correct their views. Trained now for some two centuries in western thought, few can cross-examine even a Collector of a District, and see how Hanuman, and Guharaj and the rest of them cross-

examine Ram and Bharat. Then the powers of Brahmins are all through hinted at: for example Bharat says he would suffer exile for fourteen years, while Brahmins will crown Ram:

अभिपेक्ष्यन्ति काकुस्थमयोध्यायां द्विजातयः॥ Id ८८।२९

Abhshekshyanti Kakusstham Ayodhyam Dwijataya, (*Ayodhya* LXXXVIII. 29). The word dwijataya is translated by the most learned writers as meaning only Brahmins. It may also mean the masses. This would be correct procedure as laid down in the *Shatapath*, while commenting on certain hymns of Yaju.

(4) RESPECT FOR THE MINORITY

The two most controversial points in the history of Ram, and those that have utmost constitutional importance, are firstly, the asking by Kaykayee for the exile of Ram and coronation of Bharat; and, secondly, the exile of Sita after the coronation, on the basis of the opinion of one citizen.

The one question that for centuries agitated the mind of the learned and the illiterate alike, was why should Ram obey the wish expressed by Kaykayee only, never uttered by Dasharath, and never desired by him. Dasharath admits that he sent for Ram a second time merely to inform him that he shall not be installed as Yuvaraj. Ram knew that at the time of the marriage of Kaykayee to Dasharath it was made a term and condition that the issue of Kaykayee shall be entitled to the crown. The term may not have any constitutional or legal validity, indeed it is never hinted at by any one except Ram, the sanctity of plighted word is there. Bhishm Pitamah did not marry according to

the *Mahabharat*, and renounced all claims to the throne for himself and set a noble example, of self-abnegation.

Kaykayee might have desired it out of love for Bharat, or to acquire power; (kamadwa, lobhadwa), but Ram advises him not to concentrate on it, and to treat her as befits a mother (Ayodhya CXIII.19)

.....she must be served and protected, and no anger betrayed towards her. This is the brief message of love which Ram gives to Bharat and Shatrughna. To make it more effective he adds:

मया च सीतया चैव शप्तोऽसि रघुनन्दन
Maya cha Sitaya cheva shaptosi Raghunandana

(Ayodhya, CXIII. 28);

what an immense love must there have been for the elder brother and the saintly Sita? The great Rishis collected there praised the conduct of both Ram and Bharat and said that if Bharat loved his father, Ram may be allowed to do his duty; for it was to do the wishes of Kaykayee that the Raja died (Id. 2-6).

The conduct of Ram was not then merely a whim of the moment (Ayodhya LIII. 25-26). It was a very ideal deed saturated with love, self-sacrifice, and duty coupled with law (See Ayodhya CXII. 29). Ram is *marayada purushottam*. His shining example will be cited in all treatises on constitutional law and public administration.....Yavat sthasyant giraya, saritashch mahi-tale.....'so long as mountains endure and rivers flow meandering on the earth.'

There was an alternative path.....the path of self-service. It was hinted by Dasharath himself, that Dasharath be imprisoned (Ayodhya XXXIV. 26). It was detailed by Laxman, and Kaushalya also said (Id. XXI. 21) that this was an alternative. Ram disagreed,

he said he would follow the path of law, and of love, (Id. XXI. 29, XXXIV. 28). Dasharath feels when Ram is gone that he took the individual action in a matter where he should have consulted his Ministers, the Assembly, and well-wishers (LIX. 19).

There was a clear-cut choice and Ram made the selection, his habits, his training, his education, his unstinted habitual obedience to law, the great RishisVasishth, Vishwamitra, and others, who had disciplined his mind.....all had their weight, but the decisive factor was the man dedicated to love and love of duty. Kaushalya would be best qualified to know her son. She had heard the decision of Ram to go to exile, she pointed out to him the alternate path described by Laxman, not out of love for power, but to oppose rank injustice done to a man like Ram, more intolerable than personal pangs of injury and injustice, and she says 'you have heard Laxman, you may act accordingly if you like (Id. XXI. 21). That son had given soon before his view:

भक्षयेयं विषं तीक्ष्णं पतेयमपि चार्णवे ।

नियुक्तो गुरुणा पित्रा नृपेण च हितेन च ॥ Id १८।२९

Bhaxeyam visham tixanam, Pateyamapi charnave; Niyukto Guruna Pitra Nrapena cha hitena cha (Id. XVIII. 29):

'I shall do all that my King, Father and Teacher may ordain me, even though I have to eat deadly poison, or get drowned in the sea'.

Kaushalya's one fixed faith is that the loving surrender to law, the way in which it is prescribed, protects the doer, (Id. XXV. 3).

In thus suffering exile Ram chose the path of duty.

Had he chosen otherwise, history would have recorded one more war for the possession of the crown and unlike Shah Jehan, Dasharath willingly would have been in prison (XXXIV. 26); Bharat's maternal relatives would have demanded the government, and another war and consequent devastation and ruin would have been enacted, but then Ram might have been a great king, not a *Maryada Purushottam*.

Ram does not like anything tainted with the blood of his relatives and friends (Id. XCVIII. 4) but where duty bids him to take up the sword he is not behind hand—he put down Bali and Ravan. In foregoing the crown of Ayodhya he was certainly not guilty of cowardice.

That people criticise him for obeying Kaykayee is but natural. Why persons at times imperil their lives at the call of duty is long to remain incomprehensible mystery to the majority of mankind. But both the learned and the masses of the age of Ram recognised that he was following the path of duty. Consequently they loved and respected him.

We have examined in detail how the call of duty, not the counting of hands was treated as decisive. Coming to the second controversial incident of sending Sita into exile, it may be remarked at the outset that Valmiki did not write the Uttarkand. His book consists of only six kand, the seventh was a later addition. After this addition many other writers embellished the story, and the best of them is Kalidas, in his *Raghuvansh*.

The marriage of Ram and Sita was performed by and with the consent of the people (Bal kand LXVIII. 17-18) also see (XVIII. 37).

When Ram returns after fourteen years of exile and is to be installed as the Raja or protector, the people ask him how he would carry out his new duties, Ram lays down the principle in words which will bear repetition:

स्नेहं दयां तथा सौख्यं यदि वा जानकीमपि ।

आराधनाय लोकानां मुञ्चतो नास्ति मे व्यथा ॥

भवभूति. उत्तररामचरितम् १।१२

Sneham, dayam, tatha sokhyam,

Yadiva Jankimapi,

Aradhanaya lokanam

Munchato nasti me vyatha. (Bhavbhuti)

the Uttara Ramacharitam (I.12).

'In the service of my people if duty demands I shall discard love, mercy, and sacrifice personal comfort and if need be even Janki may have to be forsaken'. He did not know then how soon his professions would be put to a severe test.

We know that there was utmost freedom of speech in the time of Dasharath, it was not curtailed in the succeeding Government. Someone hinted at Ram taking back Sita after her stay at Ravan's Lanka for a time. She was then bearing the successors to the throne of Ikshavaku. Her own evaluation of his love to her is recorded in the Sunderkand, where she describes that he loves me more than he does his mother or father (XXXV. 30). *Sakha hi jaya*. The wife is a friend. Sita by her voluntary exile for fourteen years had further endeared herself to Ram. It was

a severe test of duty. Sita had to go. As he believes in himself he believes in her innocence.

अवैमि चैनामनघेति किंतु

लोकापवादो बलवान्मतो मे ।

छाया हि भूमेः शशिनो मलत्वेन

अरोपिता शुद्धिमतः प्रजाभिः ॥ (१४।४०)

Avemi chainamangheti kintu,

Lokapvado balvanmato me;

Chhaya hi bhoome shashino malatwen,

Aropita shudhhimatah prajabhi.

(Raghuvansh XIV.40).

Read the *Arthashastra* (I.19.39) also:

"In the happiness of his subjects lies his happiness whatever pleases his subjects he shall consider as good". And Sita is dead certain that this order against her did not proceed from mere whim

न कामचारो मयि शङ्कनीया रघु. १४।६२

Na kamcharo mayi shankniya (Raghuvansh Id. 62). She points out another duty of the Raja, viz., the duty to look after the welfare of even forest dwellers:

नृपस्य वर्णाश्रमपालनं यत् स एव धर्मो मनुना प्रणीतः ।

निर्वासिताप्येवमतस्त्वयाहं तपस्विसामान्यमवेक्षणीया ॥

Id ६७

Nrpasya varnashrampalanam yatsa eva dharmo Manuna pranita;

Nirvasitapyevamatastwayahamtapaswisamanyamavavexaniya. (Raghuvansh Id. 67).

The exile of Sita is intended to depict a contrast—the call of duty and the quest for pleasure: Rama had to leave Sita while Dasharath to please his young queen had turned out the heir-apparent to the throne.

(5) FUNDAMENTAL DUTIES OF STATE

It is recorded that Dilip took a *Go* from Vasishtha and followed it for twenty-one days, and for a reward received all that he desired; it is similarly recorded that Karta-Virya forcibly took away from Jamdagni his cow (*Go*) and also killed Jamdagni. Therefore his son Parashu Ram twenty-one times attacked ruling princes and killed them. In countries where royal blood is much too cheap, such a butchery has no special significance. But where the rule of law prevailed more rigorously, and the duty to criticise was most cherished, Jamdagni and Parashu Ram are loved and respected to this day, the record is of a butchery which duty required of him. There is no one who has sympathy with Karta-Virya or the men punished by Parashu Ram. It is difficult to say that the verdict of history should have been consistently wrong.

There are certain political teachings which form part of the law of nature. We are here concerned with three main items. If a government is carried on and is critically watched by experts ceaselessly, it results in fuller, sweeter life, prosperity and progress. If any unreasonable restriction is placed on freedom of thought, expression and action the restriction is removed, either by reasonable men or by revolution. It is the eternal, relentless rule of nature that breach of moral law be overcome and an equilibrium set up. All these rules are also stated in Atharv, the Bhoomi Sukta (XII.1.7), the Brahm-Gavi Sukta (V.19.10), and the Bhoomi Sukta (XII.1.57); see also Rig. (X.33.9).

There is a provision of law familiar to students of Shruti, which says that persons killing *go*, *ashwa* or

purush should be punished so that there may be no one amongst us that murders a valiant being:

यथा नो सो अवीरहा । अथर्व. १।१६।४

yatha noso aviraha (Atharv I. 16. 4).

You will be told that at a certain stage of development in their long and chequered history, the Indians worshipped almost as divine both cows and horses, it leaves out human beings (*purush*). Those same people will tell you that horses were being butchered in Ashwamedha sacrifices. Would it not be a curious respect? My reading of the law is based on the authority of the text itself and of the *Nirukta*. In the very opening it gives the number of words which mean earth, and we find the word *go* in that list. At that period the more important meaning of the word *go* we thus ascertained. Then a list was made of all hymns where *go* and *ashwa* occur. This was revealing. In 1954 with much hesitation I requested Shri Dharma deva Vidya Martanda, Vidyavachaspati to let me know his views on the point that the clear text of the hymns seemed to require the word *go* being translated as lawyers, teachers, judges, whose main concern is the use of the tongue and the control of the conduct in a society; and the word *ashwa* means political leaders, the public servants, and persons with similar duties. Panditji was pleased to write to me that there was no harm in so translating them if the sense so required. From the text of the hymns it is clear that the word *go* has as many as twenty-one primary meanings and some secondary extensions. We then come to the conclusion that there were threefold duties regarded as fundamental: the duties to *go*, the duties to *ashwa* and the duties to normal

human beings; and that the word *go* has twenty-one primary meanings. It was the fundamental duty to *go* that Raja Dilip carried out, and prospered and Raja Karta Virya did not and had to suffer.

Many political teachings of our Rishis similarly lie buried in crisp stories of recorded history. What was the importance of Ram himself? Born in a family which had noblest traditions of public service, he was selected by Vishwamitra as a fit disciple and initiated into the use of latest weapons of offence, in the full confidence that this man will not misuse the power entrusted to him. Having tested him thoroughly, and finding that he was eminently suited to the service of the undefended and undefending, he found for him a companion for life, who, unlike Kaykayee and unlike saintly Kaushalya, was the right-hand of her husband in all matters of social and political life, in war as in peace. For twelve years they lived a life of austerity and devotion to public duty, as heir-apparent to the throne of Ayodhya, Ram made himself *lokabhiram*, and he was naturally most fitted to oppose Ravan, *lokravan*. There always has been a conflict between these two types from the dawn of history: *loka-bhiram* and *lokravan*. Ravan was no foreign potentate. He was the grandson of Pulastya, a great rishi. But himself he took the path of power Aranya (XXXII.12), (XXXVII.4 et seq.) (Yuddha LXXXVII. 24) and thus alienated himself from the path of *dharma*, the rule of truth, justice, love, co-operation and self-abnegation.

Ravan thus alienated himself from the rishis whom he persecuted (Yuddha XXXV. 18) and they helped Ram (Id. XXIII. 27), (XXIV. 21) who surrendered

himself to their service (Id. X. 18), (VI. 22), by giving him an insight into the science of law and placing at his disposal their latest researches in the use of arms. Alone, exiled from home, without men and materials, he befriended the Vanars who for physical prowess and sheer number proved a great asset, against rakshasa forces. And Ram won. And the victory was natural and necessary, a victory of the forces of justice and truth, over those of injustice and falsehood.

The word *go* has three-times seven meanings. Now let us examine them. From a perusal of the *Nirukta* of Yaska it appears that the most important sense in which this word was then understood was that of earth—there are many hymns which speak of *vasha* and of *shatodana*. These hymns relate to earth. The next most important meaning of the word *go* is language or speech. The Brahm-Gavi Sukta speak of the Freedom of Speech. The third important meaning is cow, milk products, agricultural products, the word also means limbs, rain, and culture. That makes a group of seven. *Go* means also space, *yajya*, liberty, light, rays of the sun, unobstructed happiness, sun, soul, *havi*, *sruva*, teachers and learning.

This bare enumeration is not likely to give any clear picture of economic and political heights attained at the time. To every one was assured the peaceful enjoyment of land; freedom of speech was the next duty of the state to be maintained; cows, milk-products, and agricultural produce not on the margin of famine but in plenty; protection of life and limb and personal liberty; enough and timely rain or water supply to ensure prosperity; and protection of the culture of every group. Undisturbed use of the air-space; free-

dom of faith and religious practices; freedom of association; liberty of the person; freedom to get sunlight; to enjoy unobstructed happiness; to work for spiritual development; to be able to get all instruments of maintenance and carry on one's profession, the duty to pay all valid taxes; to be able to get education and properly qualified teachers free of cost.

Now ponder for a moment on the heavy responsibilities of one placed in charge of the governance of a country. These duties are very sacred. Ever so slight a breach of these duties is regarded as heinous. They are *go* and hence *aghnya*. Dilip having discharged his duty for twenty-one days, saw a lion suddenly pounce on the cow which he had so carefully tended for so long, so keenly, (Raghuvansh, canto ii. 27 et seq.). The basic rule of service is then referred to by Dilip, viz., 'a trust should never be allowed to suffer while the trustee himself is safe':

स्थातुं नियोक्तुर्न हि शक्यमग्रे

विनाश्य रक्ष्यं स्वयमक्षतेन ॥ रघु. २।५६

Sthatum niyokturna hishakyamagre

vinashya rakshyam swayamkshtena (Id. 56).

And so the protector is prepared to feed the lion from his own flesh, to save the cow. The physical well-being, his personal rest and happiness must be sacrificed to save the nation placed under his trust.

न नृपाः कामवृत्तयः ॥ किष्किन्धा. १७।३२

Nanrapa kamavrattayah (Valmiki, Kishkindha, XVII. 32).

Rulers are not arbitrary.

न वयं स्ववशे स्थिताः । Id १८।३६

Na vayam swavashe sthitah (Id. XVIII. 36).

The rule of Dharma, of law prevails. We are not free to do as we like.

स्ववशो न कदाचन । शान्ति. ५८।११६

Swavasho no kadahana (Shanti. LVIII. 116).

"I will never be arbitrary".

Those rulers that were dethroned or done to death during the Middle Ages of which the *eighteen Puranas* speak, were many. Manu, the *Mahabharat* the *Ramayana*, and the *Arthashastra* may be consulted for a sizable list. But the names of the heroes who staked their all to protect society and to punish the arbitrary rulers would for all time be headed by the name of Parashu Ram son of Jamdagni, of the gotra of Bhragu. History does not record any incident so persistent and well-planned, covering such a long period in its execution. The history of the great revolutionary has yet to be written, collected from the old materials. There is another person who is daily sung in every home and who is loved by thinkers in many walks of life, raja-vidya, dharma, yoga, darshana, etc. The center of his activity was Mathura, Vrindavan, Kurukshetra, and Dwarika. The death of Kansa, of Sunama, of Jarasandha, of Shishupal, and of the Kaurava princes with their vast cohorts of supporters, was the act of the leader of the Vrishni Sangha, Krishna, the yogeshwar. Gratefully speaking of him, Yudhishtir says:—

तस्मान्नयविधानज्ञं पुरुषं लोकविश्रुतम् ।

वयमाश्रित्य गोविन्दं यतामः कार्यसिद्धये ॥ सभा. २०।१८

Tasmanayavidhanajyam purusham lokvishrutam

Vayamashritya Govindam yatamah karya siddhaye.

(Sabha. XX. 18).

It may also be noted here in brief that the Seer of Rig. (VIII. 101) is Jamdagni; and that of (X. 42-44) which recur as Atharv. (XX. 89, 17, and 94) respectively, the Seer is Krishna. Their lives are but as illustrations of the principles there laid down.

One view is that in the East despotism and death alternated. Death and dethroning is a capricious conduct of the people, where they are not politically trained. The *Arthashastra* lays down the secret of political success:—

प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम् ।

नात्मप्रियहितं राज्ञः प्रजानां तु प्रियं हितम् ॥

—अर्थ. १।१९।३९.

PRAJASUKHE SUKHAM RAJYA,

PRAJANAM CHA HITE HITAM,

NATMAPRIYA HITAM RAJYA,

PRAJANAM TU PRIYAM HITAM

(I. 19, 39).

'When the Ruler identifies his interests with the interest of the people, what is good to them, he should act upto it. Indeed the protector has no personal interests as opposed to those of his people, beneficial to him is what is beneficial to the public.' He remarkably mentions in (I. 5. 18) that the Rulers should have the good of the whole society in view, (I. 6. 5) that the protectors must act according to the law, and strictly carefully keep their emotions under control. Another important rule of conduct is laid down in (XI. 1. 78) that justice between man and state, irrespective of any exterior consideration, ought to be the aim of Raja:

संघमुख्यश्च संघेषु न्यायवृत्तिहितः प्रियः ।

Acting on those principles the rulers either elected or hereditary maintained a high standard of governance. A study of history leads one to the conclusion that the people themselves are just and vigilant, and led by self-less leaders of thought who have tasted adversity are more likely to secure and retain the blessings of good government. Malyavan in (Yudh. XXXV. 8) says:—

विद्यास्वभिविनीतो यो राजा राजन्नयानुगः ।

स शास्ति चिरमैश्वर्यमरींश्च कुरुते वशे ॥ युद्ध. ३५।८

Vidyaswabdhivinito yo raja rajannayanuga,

Sah shastri chiramaiswaryam arinshch kuruvashai.

Even Rakshasa thinkers are aware of the eternal law of nature. That the Vanars are familiar with it is proved by the words of Ram in which he wanted Angad to deliver his message to Ravan (Id. XLI. 70)

न हि राज्यमधर्मेण भोक्तुं क्षणमपि त्वया । Id ४१।७०

Nahi rajyam adharmentha bhoktum kshanamapi twaya

But there is one important aspect which could not be left untouched here. At the time of a life-and-death conflict what is to be the solution, shall a state persevere in its conduct, or adopt any means to protect itself? One grave situation arises in the Yuddha and the conduct of Ram is reported in the Yuddha Kand (L. 53).

प्रकृत्या राक्षसाः सर्वे संग्रामे कूटयोधिनः ।

शूराणां शुद्धभावानां भवतामार्जवं बलम् ॥

Id ५०।५३

Prakritiya rakshasa sarve sangrame koot yodhinah.

Shuranam shuddha bhavanam bhavatam arjavam balam.

'In war the rakshasas without exception use 'unfair means, you are valiant people, purity of conduct is your habitual strength.' Bibhishan details the rule of conduct of Ram in words which should be written in letters of gold in all executive offices:—

सत्यधर्माभिरक्तानां नास्ति मृत्युकृतं भयम् ।

Id ४६।३४

Satyadharmabhiraktanam Nasti Mrityukritam Bhayam. (Id. XLVI. 34).

'Those that follow the path of truth and justice, are not afraid of death even.'

Laxman is reported to protect Ram in the lonesome, rakshasa infested forest of the South, not by his arms but 'raraksh dharmen balena chaiva', he acted up according to his dharma, and physical power; vide Kishkindha, (I. 128). Bali speaking of Ram says:—'twam hi gopta cha shasta cha,' the twofold duty to protect and to punish in case of breach of law is yours. *Punishment is thus part of protection.*

इन्द्रश्च मृडयाति नो न पश्चात् अघम नशत ।

भद्रं भवाति नो पुरः ॥

ऋ २।४१।११

'Indrashcha miradayati no' (the duty of the ruler is to make us happy); 'na nah paschat agham nashat, bhadram bhavati no pura', (if the consequence of a breach of law does not dog our footsteps, our future is bright), Rig. II. 41. 11.

Justice is the primary duty of the State. The Aitareya (I. 28) says: Agnir vai devanam Vasishthah. This is in accord with Rig. II. 9. 1. Vasishtha, the

hereditary Purohit of the Ikshavakus, is also invested with judicial powers. That the post carried highest honour and love is amply borne out throughout the book, but Ayodhya (II. 24) may be cited; this high respect for judiciary was due to the fact that the masses were alive to the need of justice. Despotism and dethroning and death are reputed to be the only alternatives in the political life of the East. But history has to chronicle a different story. From the *Ramayana* and the *Mahabharat* we cited some passages to show that rulers were not free to act as they chose. Ayodhya (CVII. 9-10) is a remarkable passage where Bharat gives vent to his disappointment that, bound by law he is unable to punish Kay-kayee, the prime cause of the exile of Ram. Try to gauge the depth of his feelings, from words which only partially reveal his mind:

धर्मबन्धेन बद्धोऽस्मि तेनेमां नेह मातरम् ।
हन्मि तीव्रेण दण्डेन दण्डार्हा पापकारिणीम् ॥
कथं दशरथाज्जातः शुभाभिजनकर्मणः ।
जानन् धर्मसधर्मं च कुर्या कर्म जुगुप्सितम् ॥

अयोध्या. १०७।९-१०

Dharmbandhena baddhosmi tenemam neh mataram
Hanmi teevrana dandena dandarham, papkarinim.
Katham Dasharathajjatah shubhabhi jankarmanah
Janandharmamdharma cha kuriyam karm
jugupsitam.

At moments like this, when one's inclination and the duty laid down by law are at variance, the supremacy of law is in evidence. Dr. K. P. Jayaswal cites some instances of Asoka and Radha Gupta, of Rudra-

daman, of Agnimitra in chapters thirty and thirty-one of the *Hindu Polity*.

Prince Asamanjas is recorded to have been exiled in Ayodhya (XXXVI. 19), because people complained that he drowns children during play. In this connection it is of interest to note a sentence from Munroe Smith at page 178 of the *Studying Law*, edited by A. T. Vanderbilt (1955): "In the long run, general sentiment and opinion control not only the finding and making of law, but also its enforcement". The sense of justice of the society has a deep influence on law enforcement.

The society at Ayodhya and the society at Lanka were basically different in their concept of law, of dharma. Hence the conduct of the main actors is diametrically opposite. For example, the conduct of Bharat and Laxman on the one hand and of Kumbhakarn and of Vibhishan on the other, is yet a mystery to some scholars. Bharat loves Ram and Laxman because of their affinity by blood, and their high moral character and the nobler bond of same ideals of utter selflessness and of lok-sangraha. Laxman at first does not like the weak policy of Ram, to leave the throne and to go to exile for fourteen years. He is therefore not reconciled to his views. हनिष्ये पितरं वृद्धं Hanishyai pitaram Vridham (Ayodhya XXI. 19). According to the *Mahabhashya*: पाठार्थे हन्ते प्रयोगः patharthe hante priyoga, the expression used by Laxman would indicate: 'I will kill the old father' or 'I will teach the old father'. Later he comes round to the views of Ram, casts his lot voluntarily with Ram, to suffer exile and untold miseries. His mother Sumitra has given a message not merely to her son, but to the whole

of humanity. When Laxman thinks Bharat is coming to attack Ram, he is roused to fight Bharat to protect Ram. That such a situation did not arise is altogether an irrelevant matter. To my mind the nobility of sentiments of Bharat were but a reflection of the feelings of Ram:

अधिरोहार्य पादाभ्यां पादुके हेमभूषिते ।

एते हि सर्वलोकस्य योगक्षेमं विधास्यतः ॥

अयोध्या. ११३।२

Adhiroharya padabhyam paduke hembhushite,

Ete hi sarva-lokasya yogakshemam vidhasyatah.

(Ayodhya CXIII. 21). Is it not remarkable that Ram forsakes the throne, Sita refuses it, Laxman would not have it, and Bharat would not touch it? They have differences of views, but on all basic questions their conduct is in accord with dharma. Hence there is no conflict.

Ravan has one view. Vibhishan does not agree with him. In Yuddha (IX. 22) and (XIV. 3) he freely and fearlessly gives his advice as in duty bound. He had to leave Lanka as the price of his views. There were two courses open to him:—he could become an ascetic, take orders and have nothing to do with any party. He could, secondly, join Ram and the Vanars, as he did. Even if he acted out of self-interest, he, by throwing his weight on the side of truth and justice, helping directly the cause which he had espoused and suffered exile from his home, was doing the right. Kumbhakarna also did not approve of the conduct of Ravan, and was the first in public violently to oppose him (Id. XII 27). But his sense is not just. He undertakes to kill Ram and the rest so that Ravan may

enjoy himself (XII.35-41). Then again in (LX. 69) he undertakes to help Ravan. He knows that the time has come sooner than contemplated for Ravan to reap what he had sown, (LXIII. 3). Yet he does not care so much for truth or justice, but his only decision is based on the tie of blood: 'Ram can kill you on killing me first.'

मां निहत्य किल त्वां हि निहनिष्यति राघवः ।

युद्ध. ६३।४०

Manihatya kil twam hinihinishyati Raghavah (Id. LXIII. 40).

Kautilya Chanakya in one brief sentence has to say:

मानाद्रावणः परदारानप्रयच्छन् ।

Manadravanah paradaranprayachhan (Arthshastra I.6.10). Ravan perished because he was too proud of himself, but probably the more correct view would be that Ravan did not put any control on his desires, as he thought with Mahaparshwa:

ईश्वरस्येश्वरः कोऽस्ति । Id १३।३

Ishwrasyeswarar kosti (Yuddha XIII. 3).

'How can a sovereign render obedience to another?' Here was despotism unbridled, and unchecked. Qui custodias custodes?

Justice requires that in all dealings, individual, national or international, dictates of truth and justice be kept before the mind. Nations that keep the duty of justice confined to the four corners of a court-room will have to be content only with the shadow, while the substance eludes them.

(6) DEMOCRACY AT WORK.

The Constitutional provisions of Veda are very clear and lay down the election of the Raja, the protector. Indra is the raja. Surya is the chakravartin, the protector of the world-state. It transpires that long before the Ikshvakus, both these constitutional safeguards had disappeared. The Ikshvakus were hereditary rajas, and the rule of primogeniture was well established. That the raja was elected by the people for his personal qualities was true at the beginning, but as peace and prosperity caused political indifference, and vigilance gave place to loyalties, rulers became less careful in the discharge of their sacred trust and became addicted to pleasure of the sense. Broken was then the political unity of the country. Lanka and Kishkindha were two powerful rivals, united for purposes of common defence. Jansthan was completely under the power of Lanka, and a huge army was guarding the approach to Lanka.

When Dasharath came to the throne of Ayodhya, the political atmosphere was very critical. When he most needed the co-operation of the people, the guiding hand of the Ministers of state, and the advice of those disinterested beings who were dedicated to the well-being of the state, he smothered their freedom, curtailed their use, and nullified their utility. The freedom of speech was seriously curtailed.

मा निषाद प्रतिष्ठां त्वमगमः शाश्वतीः समाः ।

यत् क्रौञ्चमिथुनादेकमवधीः काममोहितम् ॥

बाल. २।१५.

Ma nishad pratishtam twamagamah shashwati samah,

Yatkrounchmithunadekamvadhih kamamohitam; (Bal. II. 15). 'May thou nishad never rest in peace, for having killed one of the pair of Krounch at mating, when it was thy duty to protect them'. Brevity is the soul of wit. And Valmiki was a Rishi. In these few words he has painted the whole political picture in so clear a manner that his claim that the book shall be read:

यावत् स्थास्यन्ति गिरयः सरितश्च महीतले ।

Id २।३६

Yavat sthasyanti girayah, saritahcha mahi tale (II. 36), 'as long as hills exist and rivers flow meandering,' seems to be much too true. But this brevity has also led to much confusion. Particularly the word *krounch* gave rise to much diversity of thought. Let us examine its meaning.

वाग्वै क्रौञ्चम्

Vagvai krouncham.-Tandya Brahmin (XI. 10. 19).

Krounch is the freedom of speech.

That Bal. (II. 15) is no jocular couplet is clear from (Id. II. 31): प्रवृत्तेयं सरस्वती Pravratteyam Saraswati. It is inspired by highest vision. In order to gain popular support for his measures, a raja should place before them the truth, the whole truth, unreservedly. Every important decision must be taken in free and full consultation of the people and the ministers. The wise must be listened to with respect. Sattyannasti paro dharma, there is no duty higher than that of truth. And yet Dasharath did not communicate to the people his promise at the marriage of Kaykayee that her son would ascend the throne, or

his plighted word to Kaykayee to give her two boons for her services during the war. The freedom of their action was gravely circumscribed. The apt description of the poet-statesman now would be better appreciated. The silencing of the people in so momentous a decision was like shooting the male bird in the process of procreation.

Kaykayee has asked two boons—the exile of Ram for fourteen years, and the coronation of Bharat. The people disliked both. The crown was not the gift of the king, to be willed away to any one. It is a political trust, from the people:—

इयन्ते राट्

Ian tey rat (Yaju IX. 22), (Shatpath V. 2.1.25).

As Dr. K. P. Jayaswal says in chapter 34 referring to the commentary of the Arthashastra of Kautilya, Adhikaran 2, Adhyaya 24, “the king is the protector (pati), according to the opinion of the learned in the Shastras, of the bhumi (land) and water. Excepting these two whatever wealth there may be, his family members have sameness of right therein.” The Mimansa (VI. 7. 3) with the Shabar Bhashya, Katyayana, Madhwa, and Nilkatha among classical authorities, on constitutional law, and Jatak as cited and translated by Dr. Jayaswal in chapter 35, among Buddhist literature, are very clear, with no room for misunderstanding.

Whatever Kaykayee and Dasharath may say or do, it is only the constitutional concurrence of the people to elect one and vest him with authority as raja that can give authority to him. And so Bharat could get nothing until people agreed. That the people did

not agree to accept Bharat and yet did not make any demonstration of their ill-will is an eloquent testimony of the consciousness of the power of the people. When Bharat and Shatrughna came, not one citizen moved to meet them. Not one dog wagged its tail. So they came to Kaykayee and learnt the cause, Ayodhya (LXXII. 31-49).

Following the fortunes of Rama, the reader forgets the vast and monumental sacrifice of the people of Ayodhya. They gave up all pleasures, and lived a life of austerity and strict political vigilance (Yuddha CXXV. 35). Bharat is best described by Bharadwaj (Id. CXXIV. 4) and observed by Hanuman (Id. CXXV. 29-35).

Then compare the sullen silence of the masses at the approach of Bharat from his maternal grandfather's and the vociferous welcome to Ram chronicled in Yuddha (CXXVII. 33):—

स्त्रीबालयुववृद्धानां रामोऽयमिति कीर्तिते ।

युद्ध. १२७।१३

Streebalyuvabraddhanam Ramoayamiti Kirtite.

At the request of Ram and the concurrence of the people Bharat becomes Yuvaraj (Id. CXXVII. 93); and the one lesson which the *Ramayana* seeks to bring home:

आसन् प्रजा धर्मपरा रामे शासति नानृताः ।

Id १२८।१०३

Asanpraja Dharmpara Rame Shasati Nanrata (Id. CXXVIII. 103). This was democracy in excelsis.

My reading of the *Ramayana* is that it was written to give two political lessons—viz.—first, monarchy is

always, even in a family with the traditions of Ikshvakus, a dangerous institution; and election of the Raja or protector is the only safeguard yet discovered. This is driven home by illustrations of Dashrath, Bali Sugreva, and Ravan. Second, that the Raja should not do any thing on his own initiative. His acts, however personal they may appear, have a deep bearing on the whole state. This is emphasised by the conduct both of Dasharath and Dashanan.

After the consent of the people was obtained for proclamation of Ram, his exile as desired by Kaykayee was not within the powers of the king to grant. Nor could the yauvarajya be delayed or defeated.

There is one other aspect of the matter. The consent itself was defective. Two powerful kings, Janak Vaideh and Kaykayaraj had not been invited to the deliberations. The decision thus lacked the weight of the opinion of Janak one of the finest constitutionalists of the age and a great upholder of public duty of a raja; a saint, philosopher and ruler and one with a record of charity and patronage for the learned. The benefit of his opinion was missed.

Is it not remarkable that the *Ramayana* begins with a question to Narad, the jurist, (etymologically his name means one that removes ignorance), setting out sixteen moral qualities and desiring Narad to name any human being possessing those qualities? Narad then gives a list of sixty-eight qualities and says that Ram of the family of the Ikshvakus is the one man. He then gives the story of Ram in brief. One point to note here is that the word Valmiki means productivity. Intellectual fertility (Valmiki) approaching one that removes ignorance (Narad) with a list of moral qua-

lities, the number sixteen being chosen as according to the Sanskrit Grammar there are sixteen vowels, called ach (soft as in rich) and sixty eight letters including consonants, called hal, according to the Taittiriya Shakha. The learned Pandit Shri Santangopalacharya, Vedratna, Ghan-pathi (Taittiriya) of the Sanskrit School, Sitarambagh Temple is of the view that these virtues, like the alphabet of a language, spell the content of life. The ach being basic, without which no other letter could have independent existence, are the qualities that are basic in the constitution of the world. The word swar and the word vyanjan, while denoting the vowels and consonants also mean the pran or life, and variety or vyanjan. The Rishi correctly gives here the foundation of the society as its morality. But he goes a step further. The moral virtues of the Chief Executive are reflected in the society, and give colour to its life. *Raja Kalasya karanam*. The one characteristic of the Ikshvaku Rule was the high moral standard of the rajas themselves and the people under their trust, particularly was it so under the government of Ram—the expression Ram-Rajya is now synonymous with moral government. The Balkand (I.90-96) sums up the condition of the country. Briefly, it may be said that they were happy, contented, healthy, dharmik, every one doing his duty fearlessly. The result was there was no physical suffering, no natural calamities, no loss from famine, fire, animals or any other source. There was peace and plenty, and untimely death was unknown. As observed by Honourable Shri Justice P. N. Ramaswami, of the High Court of Madras, at page 2650 of his *Magisterial and Police Guide*, Vol. II—"We do not get to the roots of crime unless against

property; disease and low vitality, the sources of a few crimes; existing defective moral education, the source of most other Crimes." Then Valmiki (Yudh CXXVIII. 99-100-103) are quoted.

It is of interest to note here that after Ram was crowned he requested Laxman to be the vice-gerent but Laxman refused. Then Bharat was so appointed (Id. 91-93). The book opened with an account of the moral qualities requisite in a protector. It closes with a clarion call:—

स्वकर्मसु प्रवर्तन्ते तुष्टाः स्वैरेव कर्मभिः ।
आसन् प्रजा धर्मपरा रामे शासति नानृताः ॥
सर्वे लक्षणसंपन्नाः सर्वे धर्मपरायणाः ।

युद्ध. १२८।१०३-१०४

Swakarmasu pravartante tushtah swairav
karmabhi,

Asan praja dharmpara, Rame shasati nanratah.

Sarve lakshan sampannah, sarve dharm parayanah (Id. 103-104). It is the moral quality of the ruler and the ruled that are the determinants of the nature and character of national life; and it is the moral trait of the ruler that gives form and content to the ruled. Will you kindly once more turn to Balkand (I. 1-19), where Valmika enumerates the sixteen basic qualities and Narad gives the sixty-eight qualities, the number corresponding to the varna-mala or the alphabet of the Sanskrit according to Taittiriya as noted before? As no word can be pronounced or written without a swar or a vowel, so also without moral basis no social or political life can exist at all. Both existence and preservation of any language cannot be thought of with-

out an alphabet or varna-mala, so individual or national life cannot be conceived of without morality. *The Ramayana is thus the scripture (Kavya) of the moral content of human life. The krounch, you would kindly remember, is the symbol in India of vak the power of speech. Speech depends on the alphabet of the language, and that alphabet is the ethical content of life. Ram restored to life the krounch that was shot by Dasharath—moral values were altogether upset, and a flood-gate was opened to sorrow and suffering and war.*

From the age of boyhood I studied the Valmiki, but the connection of vak, of krounch, and the number of the alphabet and the corresponding virtues enumerated were never brought out satisfactorily in any form by any one. If it is wrong, if it needs correction, if it needs to be improved upon, it is the duty of the learned kindly to point out the same:

दुरितानि परासुवः

यद्भद्रं तन्न आसुव । ऋ. ५।८२।५ यजु. ३०।३

.....Duritani parasuva,

Yadbhadran tan asuva. (Yaju XXX. 3), (Rig V. 82.5)

In various countries, in varying conditions, in conflicting systems of thought may be traced the symbol of a man and an ox, and as noted by Wigmore in the Panorama of World's Legal Systems, the man is termed Manu in India and some phonetic corresponding name in other languages. Manu is the learned according to the Shatpath (VIII.6.3.18), and the ox represents the concept which cannot be represented except by language—the concept of law. This beautiful

symbolism brings to mind the co-terminous existence of man and of law. What is law but a system designed to control human desires and emotions so as to cause the least injury to another? Resulting injury requires the visitation of danda or punishment. But the danda or punishment need not be in evidence where there is no breach because of self-control. Hence it is said: *ahinsa parmo dharmah*. Non-injury is the supreme dharma. The *Arthshastra* of Kautilya Chanakya in Adhikaran I, Adhyaya vi and vii lay down the moral code for the head of the executive.

विद्याविनयहेतुरिन्द्रियजयः ।

शब्दस्पर्शरूपरसगन्धेष्वविपत्तिरिन्द्रियजयः ।

शास्त्रानुष्ठानं वा ।

कृत्स्नं हि शास्त्रमिदमिन्द्रियजयः ।

तद्विरुद्धवृत्तिवश्येन्द्रियश्चातुरन्तोऽपि राजा सद्यो
विनश्यति ॥ अर्थशास्त्र. १:६।१-५ ।

Vidya vinaya heturindriya jayah. 'The control of the emotions is essential for knowledge' and smooth livingIt can be achieved by the control of senses.... Or by following the law. All sciences lay down the control of senses. *Tadviruddhavrittishyendriyash-chaturantopi raja sadyo vinashyati*. If the raja acts against the rule of law and falls a prey to sensuous life, he is bound to lose his rule even though he be the master of the world.' Then a small representative list is given to show that the most powerful monarchs for voluptuousness were killed or dethroned:—

'Dandakya of the family of Bhoj, Karal of Videh, Janmejaya, Tal jangh, Pururuva Ail, Ajvindu, Ravan, Duryodhan, Dambh, Kartviryarjun, Vatapi, and the

Vrishni and many more.....while by self-control Parashuram son of Jamdagni, Ambarish and Nabhag ruled the world for long.' In the next chapter the learned writer continues:—

'Therefore the raja should overcome the six emotions.....Controlling his senses thus, he should refrain from casting eyes on the wife of another, the property of any one, and inflicting any injury. He should carefully avoid 1) sleep, 2) greed, 3) injustice, 4) indecent dress, 5) any useless or injurious act, 6) any unlawful act, 7) any deed that does not serve the interest of the state. He can follow his personal inclinations provided they are not opposed to law, or the interest of the state.'

It would be noticed that Sita says to Ravan in Sundar (XXI. 9.):—

इह सन्तो न वा सन्ति सतो वा नानुवर्तसे ।

यथा हि विपरीता ते बुद्धिराचारवर्जिता ॥

सुन्दर. २१।१

Iha santo na va santi sato va nanuvartase

Yatha hi viprita te buddhiracharvarjita.

'Either the wise do not exist here, or if they are here, you do not act according to their advice, hence your mind acts in forbidden ways.' She further says (Id. 11):—

आकृतात्मानमासाद्य राजानमनये रतम् ।

समृद्धानि विनश्यन्ति राष्ट्राणि नगराणि च ॥

Id २१।११

Akratatmanamasadya rajanamanaye ratam,

Samraddhani vinashyanti rashtrani nagarani cha.

'Flourishing cities and States are brought to ruin when the king behaves unjustly'. The *Ramayan* does not refer to the *Arthashastra*. The *Arthashastra* refers often to Ram and Ravan. It refers to Parashu Ram. The *Ramayan* was prior in time to the *Arthashastra*. Is it not remarkable that Sita shows such deep knowledge of the principles of political science? Ravan was not the only offender. The Bourbons, the Czars, the Stuarts, and very many more royal families, and individuals behaved quite as irresponsibly. Hitler and Mussolini and Emperor Hirohito did not care to follow advice tendered to them. Not Ravan merely but his whole family was afflicted. It is immaterial how many hours daily Kumbhkarn slept—or that he actually slept six months got up for a day and went to sleep for another six months getting up again for a day. Then his sleep would be a day less than six months, or two days will have to be added each year. Indeed poetry has a little licence. To magnify the criminal indifference of Kumbhkarn to any national and political matter his sleep is apparently depicted. As so contrasted Bharat, after the exile of Ram, is not recorded to sleep. It was a life-long sacrifice and political vigilance.

Similarly when Valmiki says that Ram is *vishnorardham mahabhagam* (Bal. XVIII. 11). Bharat is *vishnoshchaturbhagam* (Id. 13), and Laxman and Shatrughna are *vishnorardh samanvitau* (Id. 14), mathematically it is difficult to reconcile: $\frac{1}{2}$ plus $\frac{1}{4}$ plus $\frac{1}{2}$ would equal $1\frac{1}{4}$. The normal canon of faith of the Pauranic would make Laxman not Vishnu but Adishesha. That does not solve the difficulty. The Bal. (I. 5, 7) and Sunder. (LI.27) and the whole of the

Ramayan depicts the princes as human beings. The word *vishnu* means *yajna* (*Shatapath* V.2.3.6; XIII. 1.8.8; XIV.1.1.6; *Gopath* I.12 & *Nighantu* III.17, IV.2, etc.). *Viryam Vishnu* (*Taittiriya* I.7.2.2). What is sought to be shown here by Valmiki is that Ram was far superior to his three brothers, all his activity was *yajna*; on the contrary the Alvars, Tulsi, Eknath, and Kambaramayana, really show Ram was an avatar of Vishnu. Kausalya, Kaykayee and Sumitra in Valmiki are spoken of as giving birth (Bal. 10, 13, 14) to the princes. The poets and saints referred to above do not. To them the birth was supernatural. No one need fight with any one for any view, but the proper understanding of the attitude of an author is essential and must be attempted in any scientific study. The Yuddha (CXVII. 12),

आत्मानं मानुषं मन्ये । युद्ध. ११७।१२

atmanam manusham manye is positive evidence that Ram considers himself to be a man. The ordeal of fire in (Id. CXVIII) and the prior sarg contain passages not giving a continuous story, and additions of later ages. In the next sarg the dead king Dasharath is brought out and a long speech made. He who did not seek the restoration of Dasharath to life is shown as anxious to see the vanars killed during the war to be brought back to life. A very large part of this portion is apocryphal.

Those that added this part of the story little realised what disservice they did to Ram, and to Vishnu. Ram was twenty-five when he was married, he lived in Ayodhya for twelve years, he was in exile for fourteen years, so he did not know that he was the incarnation

of Vishnu until the age of fifty-one, and one fine day Vishnu himself has to tell him that Ram is wrong in regarding himself as human, but that he is Vishnu. The story of Laxman being the Adishesha is not unfolded even here. All this is directly contrary to the story unfolded by Valmiki. Are we to believe that Ram was very learned and intelligent or are we to believe that Ram is the most ignorant and did not know himself? In the case of Hanuman it is said he did not remember his might, in the case of Ram it turns out that he did not know himself. Then avidya becomes more powerful than this vishnu. It has its complete hold on him for fifty-one years of his earthly existence. No mention of Ram's divine nature is at all brought in by Valmiki. These passages belie him. Valmiki very strictly followed the Brahmanani in his story. He seems to be a first rate political philosopher. His akhyani is simple in its grandeur, and magnificent in its unfolding. Until the days of the composition of the *Arthshastra* nobody ever believed in any such claim for Ram. It is the result of the Christian theory of nativity and ascension of Jesus Christ. The war being over, Ram is asked to ascend to Vaikuntha, (Yuddha CXVII. 29-30). But Ram gives scant credit to all this and did not go to Vaikuntha.

After the fire ordeal, Ram accepts Sita, *harshavyukul lochan* (CXVIII. 11-19). The evidence of Indra in (CXX. 1-2) is again of the human origin of Ram. Do gods belie each other, and is there wanting among them even a Churchill to warn them 'to speak the same damn thing.' The subsequent behaviour of Ram is also natural and human. The grandest scene throughout the *Ramayan* is in Yuddha (CXXVII. 63):

पुरोहितस्यात्मसखस्य राघवो
बृहस्पतेः शक्र इवामराधिपः ।
निपीड्य पादौ पृथगासने शुभे
सदैव तेनोपविवेश वीर्यवान् ॥ युद्ध १२७।६३

PUROHITASATMASAKHASYA RAGHAVO
BRIHASPATE SHAKRA IVAMARADHIPAH,
NIPEEDYA PADOU PRATHAGASANE
SHUBHE

SADAIVA TENOPAVIVESH VIRYAVAN

'As Amaradhip Shakra holds the feet of Brihaspati, Ram the victor held the feet of the purohit, the friend of his soul, and respectfully sat down on a separate seat of grass.'

The greatest soldier of the age, the greatest statesman, fresh from the field of victory was here paying his respectful homage to one voluntarily wedded to poverty and a life of virtue. The sword acknowledges the supremacy of the pen. That is the eternal law of nature. History has chronicled the baneful effect of the disregard of this rule.

This was democracy at work.

Let us briefly examine the life of the common man.

Ayodhya the capital city was laid out by Manu (Bal. V. 6), twelve yojan long and three yojan wide, (Id. 7), with suburban area spread out two yojan all round (Id. VI. 26). Bhatta Shripad Damodhar Satwalekar, citing Bhaskaracharya in his *Goladhyaya*, that the circumference of the earth is 4967 yojan, concludes that a yojan is some 5 1/3 miles. The city

would thus be 1024 square miles. The suburbs extending further by $10\frac{2}{3}$ miles all round the city belt calculates the population as more than 30 lakhs three millions. The actual population is nowhere recorded. He has to work it out. In Ayodhya (LXXXIII. 3-5) is given the army that accompanied Bharat: it comprises of 9,000 elephants, 60,000 chariots, 1,00,000 horses, all with necessary equipment. The list does not include the infantry. It is clear that Bharat would not have left Ayodhya undefended. Some army must have remained there too. Each elephant with a complement of 10 men, each chariot with 11 men, and each horse with 2 men would amount to 9,50,000. This camp was spread out on $1\frac{1}{2}$ yojana land, or 8 by 8 miles or 64 square miles. The total military personnel was about ten lakhs, their dependants about as many and the civilian population about ten lakhs. Therefore he concludes that the population would be some 30 lakhs.

On the return of Ram when Bharat reports to him the state of the country, he says that the budget, the treasuries, the homes and the number of the army are increased ten times (Yuddha CXXVII. 56), and 9,000 elephants carried the vanar military leaders into the city (Id. CXXVIII. 32). If we take it that the learned professions, the executive and the combatant personnel, the commercial and industrial classes, and the labour in normal times is in the ratio of 1 : 2 : 3 : 4 or thereabout, it would be safe to conclude that the fighting forces are a fifth of the total population. The combatants with Bharat were, according to figures, 1,78,000. The infantry may be about double that. This gives the total strength approximately six lakhs combatants. According to the ratio given above multi-

plied by five would give thirty lakhs as the basic population of Ayodhya. This figure is also arrived at by Shri Satwalekar.

In the city mahapath and raj-marg were laid out, water was sprinkled daily and flowers were scattered. Mango and other gardens were planted. There were many dramatic societies where women took part, there were beautiful seven storeyed buildings with gold canopies of huge dimensions looking like mountains. The royal palaces were snow-white (Bal. LXXVII. 9). The palaces are described in Ayodhya (III. 31-32; V.4-7; VII.1; X.11-15; XVII.21-22; XX.9-16).

All citizens were highly educated (Bal. VI. 8, 14, 15), religious and self-controlled. Happy, possessing good character, like great rishis. Every one had at least, earrings, coronet, garland, armlet, kankan, and bracelets; and was clean, painted with sandalwood, and sweet-scented. Every one had good food, spent on charity, there was not a soul that did not perform agnihotra or yajya, all were deeply hospitable, worshipped God, and were just and truthful (Bal. VI).

Flowering and fruition of life was thus complete, leaving little to be desired.

(7) RELIGIOUS FREEDOM.

The Arya, the Vanar, the Rakshasa, women, the shudra, all indeed of the humanity, had the duty to study Ved. Throughout Ayodhya there was not one soul that did not perform agnihotra and yajya, there was not one that did not study Ved and the six Vedanga (Bal. VI. 15). In the yajya the raja invited one thousand each of the Brahmin, Kshatriya, Vaishya

and Shudra, (Id. XIII. 20). They were not to be treated in any way differently from the others appears from Bal. XIII. 34-35. Rishyashrang was in charge of the yajya. The raja and his three queens took *dix* (Id. 42). Vedic hymns were recited musically (Id. XIV. 9). From various countries men and women had arrived (Id. 16). During the recess there were religious discussions (Id. 19). Every one took part in all this. For there was not one who did not study Ved and Vedang, was not a *vrat*i or under a vow or *bahushrut*, i.e., well-read (Id. 21).

When the princes were born, all the four of them were trained in Ved (Bal. XVIII. 25, 36). They were able to perform sandhya and agnihotra. Ram was able to perform, as recorded by himself all sanskar. Among the vanars, the evidence of Ram is there that Hanuman was well read in Ved, that Angad had *upnit* is on record from the fact that in (Kishk. XXV. 50) becomes *apsavya* on performing the cremation of his father. The coronation of Sugriva is performed by vedic people (Id. XXVI. 30). Ravan also performed various rites himself, and was learned in vedic lore. He did not, however, act as directed in Ved. His conduct was not influenced by his knowledge. He had alienated every one. When Hanuman is brought before him he suddenly enumerates all his enemies. Prahast recalls other dangers. The list is given in Sunder (L. 2-10). His faith was only in one rule: eat, drink and be merry (Id. XX. 23, 35). The sweet melody of vedic hymns in the early hours of the morning has (Id. XVIII. 2) no influence on his mind. His grand harem is described as observed by Hanuman in (Id. IX. 33 et sqq). Not content with

all of them he brought Sita stealthily from Kishkindha, and in spite of the advice of the learned would not return her to Ram. As graphically noted in the Brahm-jayo Sukta (Atharva V. 17, 12 etc.), Ravan from that day could get no rest. Sita was the cause of his death, and the ruin of the golden city.

After the four Ved, and the *Brahmanani*, the *Ramayan* is the oldest so far known of the ancient literary remains of ancient India. Only the text of Ved is preserved in its pristine purity. The *Ramayan* with all excisions and accretions can easily be traced in its original main story to be the record of the nation in its early days. The religion of the period is the pure religion of Ved, but certain popular beliefs have grown apace. It is matter of importance both from the point of view of religion and of politics to see what external control was exercised in these matters.

The first thing to note here is the intense faith in the immanence of the Divine. The worship of the One formless Brahm is the creed of the Arya and the Vanar. Idol worship did not exist at the time. The various names used for indicating the Divine Power are all Vedic. The philosophy of life derives from Ved, is more philosophical, the type that is met with in the *Upanishad*, and a powerful current of free-thinking. Ram represents the highest moral standard of the age. Sita the 'finest specimen of womanhood', नारीणामुत्तमा वधूः *nareenam uttamam vadhuh* (Bal. I. 27-28), as described briefly by the jurist Narad, yet keeps her place in history. Both stand out as the type of self-discipline. The first recorded act of Ram is his sleeping on the grass

after learning his first lesson in Bala and Atibala and serving his teacher गुरुकार्याणिसर्वाणि नियुज्य (*guru-karyani sarvani niyyujya*, Bal. XXII. 23): Early next morning he performs his sandhya after taking a bath in the usual course of life. The princes perform the sandhya twice daily (Id. XXIII. 3, 21) as ordained by Manu, (II. 101-103), (VII. 223). The next lesson that the princess learn is

गोब्राह्मणहितार्थाय जहि दुष्टपराक्रमाम् । २५ । ५ ।

(*gobrahmanhitarthaya jahi dushtaparakramam*) that he should kill Tadka, a rakshasi, for the protection of the gobrahmana, the term is rendered normally as meaning go-hitaya and brahmana hitaya, for the sake of the cow and the sake of brahmin. The expression is used again by Ram himself in (Id. XXVI. 5).

गोब्राह्मणहितार्थाय देशस्य च हिताय च । २६ । ५ ।

gobrahmanhitarthaya deshasya chahitaya cha, go-brahman would mean the learned scholars and scientists, teachers, judges, lawyers, and he learns it in this sense only. Vishwamitra himself is not a person born in the family of a brahmin, by the sheer tapasya and learning he attains recognition as a Brahmarishi. The four of the Ved, the *Brahmanani*, the *Gita*, indeed, all literature sacred or secular lays emphasis on the quality of conduct, his worth not his birth, in the words of Krishna, गुणकर्मविभागशः *guna karma, vibhagasha*. (Gita IV. 13, with Shankarhashya). Swami Bhumanand Saraswati gives twenty-two derivations of the word 'Brahman' in his book Voice of the Vedas, at pages 84-87, and notes in connection with

the fifth derivation: "In ancient times a man who had, by spiritual discipline, realised God, was called Brahman. Study and understanding of the eternal Vedic Law also entitles one to this name. The institution of caste by birth is a later social accretion in India."

The author in his book *Principles of Dharmashastra*, at pages 32-35, briefly discussed this question. The name *varn* given to the classification itself means choice (*vide* Nirukta II. 3). The proposition that he who is not Brahman, Kshatriya, or Vaishya is deemed a Shudra is based on the law of nature. He who does not belong to the learned professions, or military or administration, is not of the industrial or commercial interests, would be *tapaswi*, for *tapse shudram*, physical labouring section is styled shudra. Vasishtha himself was not a born Brahmin. Aushij Kashivan and Kavash Eloosh were shudra. That a Brahmin becoming a Kshatriya did not imply any degradation is borne out by the *Mahabharat* unless accompanied by misconduct (I, 94, 3710): Bharadwaja Rishi was selected by Shakuntaleya Bharat. तस्माद् दिव्यो भरद्वाजो ब्राह्मण्यात् क्षत्रियोऽभवत् । *Tasmad divyo Bharadwajo Brahmanyat kshatriyabhavat*. 'Therefore Dev Bharadwaj from brahminhood attained kshatriyahood.' Even so late in the South, the home, I should have said the stronghold of orthodoxy, Thiruppan Alwar, a born Pancham, became a recognised saint, honoured by the Brahmins. This is the law, *vide* Apastamb Dharmasutra (II. 5.11. 10). Of the case-law (1929) 52 Mad. 160 by Hon'ble Justice Venkatasubbarao gives a resume. We have the natural consequence of finding people grouped

differently in different parts, e.g., the Kayastha and Shudras in Bengal (10 Cal. 688), and not Shudras in U.P. and Bihar (12 All. 328; 6 Pat. 506); in Bombay the Lingayats are Shudra (3 Bom. 273), while in Madras they are not Shudra. Before the Hyderabad High Court the question that the Reddy in Telangana are Kshatriya was strenuously argued by Mr. M. A. Ansari while Mr. Syed Qamar Hasan contended that they were Shudras. Both of them are now Judges of the A.P. High Court. Mr. Justice R. S. Naik held that in view of the two cases in which the ancestors of the parties were involved, and the other two cases also decided the question one way, viz., that the Reddy community belonged to the Shudra. Mr. Justice Hashim Ali Khan discussed in detail the hymn of the Purush Sukta: *Brahmanosya muknamasit*..... (Rig. X. 90) and (Yaju XXXI. II) and further said that the Dravidians were all regarded as Shudras. That is a statement of fact not properly investigated. There is not the slightest reference to any other people except the Arya in the whole of the Vedic literature. The Dasyu is the law-breaker, and when he becomes peace-loving citizen, he is an Arya. The idea that the Arya came from some other place is itself a political propaganda. Dr. Sampurnanand, the learned Chief Minister of U.P., wrote a treatise on the subject in Hindi. Mr. Justice Hashim Ali Khan correctly laid down that according to Rigved the choice of a profession is the basis of varna, and not birth. He felt bound by the authority of the Hyderabad Judicial Committee and other cases though none of them discussed the question. He cited the judgment of Mr. Justice Madgavkar in A. I. R. 1928

Bom. 295 and A. I. R. 1930 Bom. 132, where it was followed. Dr. Altekar is of the view that the Upanayan was used as a mark of Vedic study; later it entailed obligation to study *Ved*. It may also be noticed that deed, not dress or formality, is the content of any religion. When women refused to wear Upnayan, the law recognised the fact—*Upnita unupnitashcha*—some wear the Upnayan, others do not. Not wearing the Upnayan does not entail loss of caste. Non-performance of duties may. The *Principles of Dharmshastra* by the author pp. 13-21, 25-32 may be read with interest. Dr. A. C. Bose in English and Acharya Priyavrat in Hindi in the *Mera Dharm* given the original texts and translation of vedic passages on women.

The *Mimansa* is the shastra that regulates the interpretation of Dharma. M. M. Shri P. V. Kane, M.P., wrote a booklet explaining the text; there is an interesting discussion of the religious rights of women (VI. i. 3. 6—16) it may be read with benefit.

That this question is still a live issue is beyond contest. From the Notes of recent cases in 1958 An. W. R. it appears that the question was raised before a Bench consisting of Hon'ble Mr. Justice Manohar Prasad and Mr. Justice Ansari; it is still unreported. Since reported as (1958) 2 An. W. R. 226. The appellate judgment is reported in (A.I.R. 1959 S.C. 1318). See also A.I.R. 1960 Mysore 27.

But to go back to Bal. (XXV. 15) it may first be noticed that the Shatpath (XI. 4. 3. 2) lays down the law that no woman shall be killed:

न वै स्त्रियङ्घ्रन्ति ।

Abolition of capital punishment, so far as women were concerned, was thus achieved. Vishwamitra emphasised the need for killing Tadaka. He is therefore giving a few reasons

न हि ते स्त्रीवधकृते घृणा कार्या नरोत्तम ।

(*nahi te strivadh krite ghrana karya narottam*); it is not proper for you to hesitate from killing a woman (Bal. XXV. 17).

अधर्म्यां जहि... धर्मो ह्यस्यां न विद्यते (बाल २५ । १५)

(*Adharmyam jahi.....Dharmo hyasyam na vidyate*) kill this breaker of dharma. She does not observe the dharma (Bal XXV. 19.)

Ram could not misunderstand the sense for Vishwamitra speaks of चातुर्वर्ण्यहितार्थं प्रजारक्षणाकर्णं *chaturvarnyahitartha* and of *prajarakshanakarna*—the interest of the humanity and the protection of the people (Bal. XXV, 17-18). There is no instance of merely the interest of the bovine animals protected by Ram in the whole of his recorded life. But that he had the utmost regard for every learned man is always in evidence, e.g. (Bal. LXXVI, 6 and 24).

Ayodhya (VI. etc.) furnishes important clue to the religious faith of the time. Ram and Sita together worship Narayan. This word is not found in any of the four Ved as being used for Divinity, but in *Shatpath* (XII. 3. 4. 1; XIII. 6. 1. 1.), *Gopath* (Porv. V. 11) and *Manu* (*Aponara*, etc.) the word is used for the Brahm. From Ayodhya (VI. 1, 34) it is clear that Narayan and Vishnu are interchangeable and mean the one Absolute. They slept in the

temple at night and got up early and performed their sandhya, (Id. VI. 6). At that stage of our history Vedic sandhya was regularly performed by women. Brahmins in loud voice then began recitations, which filled the city. Temples, buildings, shops, in the homes, court-houses, on tree-tops, flags were flown. Artists, dramatists and musicians were pleasing the public with sweet words. The young and old spoke of Ram getting yuvraj and young people acted playfully and talked of it.

Let us now watch Kaykayee calling upon the devata to bear witness, she calls the thirty-three devata of whom the main is Indra what the Raja says (XI. 13). To explain the 33 devata will take up time and space. That may be read in the *Shatpath*, the *Brahadaranyak*, and the *Nirukta*. Dashrath has faith both in bad dreams (Id. IV. 17) and astrology (Id. 18 et sqq), and in swarg (Id. XIII. 6 etc.). Contrast for a moment Kaykayee and Tara. Tara regards the husband as her all, without whom life is intolerable. Kaykayee craves for her son the rule of Ayodhya and for Ram exile for fourteen years, not that she hates Ram but that she has a deep jealousy for Kausalya (Id. XIV. 22).

Sita speaks out first in (Id. XVI. 22), she seeks protection from the Almighty for Ram. She is an expert in political science and constitutional conventions, she is the daughter of the greatest constitutionalist of the age (Id. XXVI. 4). Ram is to be crowned. Indra, the executive aspect, the representation of Power, she seeks to protect Ram from the east, the Controller Yam from the south, Varuna the Preventive from the west, and Dhanesh from the

north. All these are the names of the One, but her choice of the names she shows deep poetical and political aptitude. There is one very remarkable hymn in Rig. (VIII. 13) of which the rishi is Narad and the devata or subject is Indra.

That Sita is aware of it and very briefly sums up the contents will be clear if some of the ideas be perused.

तमहे वाजसातय इन्द्रं भराय शुष्मिणम् ।
भवा नः सुम्ने अन्तमः सखा वृधे ॥
इन्द्रं वर्धन्तु नो गिर इन्द्रं सुतास इन्दवः ।
इन्द्रे हविष्मतीर्विशो अराणिषु ॥ ऋ. ८।१३।३, १६

Tamahwaye vajsataya indram bharaya shushminam

Bhava nah sumne antamah sukha vridhe.
Indram vardhantu no gira indram sutas indava
Indre havishmatirvisho aranishuh. (3 & 16).

'Every word that we utter must have as its aim Indra (God, the ruler, or the husband; for the third meaning here given see Rig. VIII. 91) and must be such as would benefit all; the people having all opportunities should give thought to general progress.

The need for political society arises for making available for all power, food, happiness and progress.'

Then Rig. (VIII. 14. 15) says

असुन्वामिन्द्र संसदं विषूचीं व्यनाशयः ।
सोमपा उत्तरो भवन् ॥ ऋ. ८।१४।१५

Asnvamindra sansadam vishuchim vinashayah
Sompa uttaro bhavan.

'Indra the ruler should break up all associations that work for breach of peace, it thus becomes the high protector of justice.' So examined the prayer of Sita assumes deeper meaning. Justice, the controller of human conduct, has its location in the south, courts were also built to the south of the city or village. The derivation of the word *varun* is given in Rig. (VII. 82. 6)

प्र वृणोति भूयसः । ऋ. ७।८२।६

pravranoti iti varun: prevention is his special power. The word *dhanesh* is not used in the Vedic literature, but Yaju (XL. 1) and many other passages suggest the idea. So far as I can recall the word *dhanesh* is not used in any of the *Brahmanani*.

Kosalya is highly religious. When Ram goes to her palace, she was performing agnihotra and reciting Vedic hymns. For her worship were collected there *samidh*, *purnkumbh*, rice, *laja*, curd, *ghrit*, *payas*, *krasar*, garlands of white flowers. She was wearing white silk. Because of fasting she was weak. She suddenly burst out in prayer: 'May you attain the age, the fame and the dharma of the *vridha* learned and experienced, the *dharmshil*, the just the *rajarshi* royal rishi and Mahatmas, and suited to the traditions of your family.' (Ayodhya XX. 23). It is a prayer which only the mother of Ram could utter. 'Raghava look at your father and ruler, he is making you to-day Yuvaraja'. The interesting and painful story must be read in the original to enjoy the force of the language and depth of emotions conveyed by Valmiki.

Ram was being deprived of yuvraj, he was being sent away to exile for fourteen years, the

apparent cause of all this was Kaykayee, yet religious approach of Ram to this question completely removes all *dvesh*....it further serves to exalt personality.

बुद्धिः प्रणीता येनेयं मनश्च सुसमाहितम् ।

तं तु नर्हामि संक्षेपं

Buddhi pranitya yeneyam, manashcha
mahitam,

Tam nu narhami sankleshtum.....

“My reason she has guided, my mind she calmed, I would not give her cause to ruffle her..

कृतान्त एव सौमित्रे द्रष्टव्यो मत्प्रवासने ।

राज्यस्य च वितीर्णस्य पुनरेवं निवर्तने ॥

KRATANT EV SAUMITRAY
DRASAHTAVYO MATPRAVASANE
RAJYASYA CHA VITEERANASYA
PUNAREVAM NIVARTANE

“Laxman, look at my exile as an act of Grace and my return also in the same light.....

कैकेय्याः प्रतिपत्तिर्हि कथं स्यान्मम वेदने ।

यदि तस्या न भावोऽयं कृतान्तविहितो भवेत् ॥

Kykayyah pratipattirhi katham syanmam
vedane,

Yadi tasya na bhavoyam kratantvihito bhavet

“How could Keykayee think of giving me trouble unless it was so ordained by the Divine” Ayodhya (XXII. 14-16).

The rule of the agency of the Divine is voiced more fully in the Gita and in Rig (I. 55-5). The

according to Manu (II. 225) he was bound to obey his parents unconditionally.

क्षुरस्य धारा निशिता दुरत्यया

दुर्गम् पथस्तत्कवयो वदन्ति । कठ. १।३।१४

Kshurasyadhara nishita duratyaya

Durgam pathastat kavayo vadanti

Stating his rule of life Ram prepared to suffer exile and then Kausalya gives him her blessings:

यत् पालयसि धर्मं त्वं प्रीत्या च नियमेन च ।

स वै राघवशार्दूल धर्मस्त्वामभिरेक्षतु ॥

अयोध्या. २५।३

Yatpalayasi dharmam twam pritya cha niyamena
cha

Sa vai raghavshardula dharmastwamabhi-
rakshatu.

Kausalya regards all protection to come from the voluntary and loving submission to the call of dharma, in conformity with the *niyam*, in accord with the law, (Id. XXV. 3). She is strong in her faith that the Divine Power prayerfully approached by Ram in temples will protect him in forest with the Maharshis. She is certain that the weapons given by Vishwamitra will protect him. She is sure his service of his father and his service of his mothers, as also his service of truth will always protect him.....The law of Shruti and Smriti will protect him.....

It may be noticed here that Kausalya in her grief pours out her mind in prayer: her prayer is twofold, viz., seeking protection from benevolent power, and seeking protection against malevolent powers. In the former she refers to vedic devata only.....indira, agni, soma, brihaspati, sadhya, vishwedeva, swasti, **dhata**, **vidhata**, **pusha**, bhag, **aryama**, **lokpala**, vasava, ritu, masa, samvatsara, din, muhurta, saptarshi, narad, dyou, antariksha, prithivi, vayu, nakshatra, graha, ahoratra, sandhya, ritu, masa, samvatsar, there is only one word which is normally printed in available editions as *skandashcha* and is translated as Swami Kartik. Not one avaidic devata is mentioned in this long list. After a thoughtful consideration and discussion I am of the view that that word should be *skannshcha*, which is an ahuti as reported in the Shadvinsh Brahman (IV. 1). It was suggested that the word *skand* is used in the fifth kand, twenty-fifth sukta, eighth mantra of Atharva. But then too it would not mean Swami Kartik. May I request the learned scholars and Ram-sevak to clarify this point?

As a statement of the religious teaching of the Senior Queen of Ayodhya and the mother of Ram, this passage deserves to be read with care. Those that would declare *stree-shudro na dhiyatam*, and lay down the rule that women and the labouring class have been completely out of the pale of Vedic studies (the passage from Taittiriya to the contrary is referred to later) should reconsider this question with care, if truth has any value or weight at all. She seeks protection against innumerable malevolent powers, such as rakshasa, pishacha, the cruel, the harmful creatures and carnivora, monkies, scorpions,

mosquitoes, serpents, lions, tigers, buffaloes, animals with horns, hills, trees, etc., etc. She then has agnihotra performed by Brahmin, and *shantipath* (शान्तिपाठ) and *swastivachan* (स्वस्तिवाचन) was done. Then she said *mangalpath* (मङ्गलपाठ) (Ayodhya XXV. 32-36), and recited Vedic Mantras (Id. 38), and made her final request to Ram. Ram after making *pradaxina* (See Monier—William's Sanskrit-English Dictionary, page 679) of the mother and making obeisance at her feet, set out for the palace of Sita.

Another remarkable fact to note is that Kausilya does not refer to feelings voiced in the *Gopath* (Poorv. I. 2) *tajjayanam jayatwam yachchas purusho jayate yachcha putrah punnamnarakam-nekshat-taram tasmāt trati putrastat putrasya putratwam*. The new derivation sought or the need for a male issue recognised as conferring spiritual benefit by saving one from some hell is not even distantly hinted at in the *Ramayan*. Neither Guru Vasishtha, nor any of the Rishis, neither Dasharath nor any of his queens, not one soul hit the idea in any way. Manu (IX. 138) is an interpolation. On the contrary, if the statement is believed that Dasharath reigned for some sixty thousand years and neither he nor his queens thought of any male issue is a denial of the necessity for a son, and Kausalya frankly says that a childless woman has only one grief that she is barren, (Id. XX. 37), she does not know of the hell or the need for a son for any other purpose. The *Ramayan* is deeply coloured by the spirit of the age, the teachings of the *Brahmanani* are clearly

reflected, particularly those of the *Taittiriya Shakha*, but it does not portray the rules of life depicted in certain other *Brahmanani*. Would it be safe then to infer that the *Ramayan* is earlier in time than these later *Brahmanani*? Or, conversely, was Valmiki a reformist, who consciously tried to build up a fortification against the narrow and parochial views of the *Brahmanani*? The low positions of the *chandal*, and of women shown in some of the later *Brahmanani* is not at all countenanced by Valmiki. And yet he throws up the challenge now and then that his book is in conformity with Ved, and no one denied his position. Further, by comparing Valmiki with Manu, it was found that Valmiki, normally always follows him. So far as Narad is at one with Manu, it means following Narad also. Only a couple of illustrations would suffice:—

(1) Kausalya in Ayodhya (XXI, 52) यथैव ते पुत्रपिता तथाहं *ythav te putra pita, tathaham* is based on Manu (II. 145).

(2) Ram in Kishkindha (XVIII, 19) is based on Manu (IX. 57, 63).

(5) Bharat and Shatrughn in Yuddha in paying their respects to Sita (Manu. II. 216) and (II. 132). Innumerable instances from the Raj-Dharma of Manu may be multiplied.

Last, but certainly not the least, a comparison of Valmiki with Kautilya Chanakya is also illuminating, inasmuch as the later often reproduces the content or slightly varies the form. We are not inclined to discuss here the deep debt that Indian literature in all languages owed Valmiki. He is the first and the greatest yet of the epic writers, and the first to use

the vehicle of verse to teach political science, and subordinate it to morality. In recording the heroic deeds of Ram he laid humanity under a debt of gratitude: in the words of an American poet, leaving 'foot-prints in the sands of time'—

यद्विडाविन्द्र यत्स्थिरे यत्पर्शने पराभृतम् ।

वसु स्पार्ह तदा भर ॥ ऋ. ८।४५।४१

साम पू. ३।१।२।४

अथर्व २०।४३।१

Yadvidavindra, yat sthire, yat prshane para-bhratam,

Vasu Sparham Tadabhar (Rig VIII. 45, 41) also in (Sam Poorv. III. 1 2, 4) and (Atharv XX. 43, 1).

Sita was anxiously awaiting the return of Ram. When he returned, he was altogether a different man. His expression was changed, the smile on his face had disappeared. Of the approaching yuvaraja there was no external evidence. This made her anxious. Ram's fond lecture to behave according to the traditions of the family, not to displease Bharat, not to mention Ram before Bharat, and in any way not to displease Bharat who was to be the protector of the family and the country, added more and more to her over-burdened mind, little to her was the yuvarajya, but the exile of her husband and Ram's advice that she should remain at home, added a streak of frustration and anger to the usual honied tongue, (Ayodhya XXVII. 1). After mildly criticising Ram for his weakness, she expresses her mind:—

भर्तुर्भाग्यं तु नार्येका प्राप्नोति पुरुषर्षभ ।
अतश्च ब्रह्मादिष्टा वने वस्तव्यमित्यपि ॥
सर्वावस्थागता भर्तुः पादच्छाया विशिष्यते ॥

अयोध्या. २७५, ९

Bherturbhagaym tu naryeke pursharshabha,
Atashchaivahadishra vane vastavyamityapi...
Sarvavasthagata bhadrtu padachhaya vishishyate
(Id. 5, 9).

‘Of all persons the wife is the only one that shares the fortunes of her husband, and she would, therefore, follow Ram to forests; forsaking everything else, the shadow of the feet of the husband has a charm of its own.’ She emphasises that she would walk before him treading on grass and thorns joyously. She would live in the animal infested forests as under the roof of her father. She would not give a thought to the three worlds, but concentrating on her duty to her husband (pativrat), she would be assisting him and remain a *brahmcharini*. While she would walk before Ram, she would eat after he had taken food.

It is of importance to note that Ram calls her धर्मज्ञे धर्मचारिणि *dharmajye dharmcharini* (Id. 19), (सत्यव्रतपरायणा) *satya-vrat-parayana* (37), and महाकुलीना *mahakulina* (XXVIII. 3) and Valmiki calls her प्रियवादिनी *priyavadini* (XXVII. 1), and धर्मवत्सला *dharmavatsala* (25).

Sita gives three important reasons to follow Ram to forests. Just as Ram was carrying out the

behest of his parents, Dasharath and Keykayee, so was she taught by her parents to follow her husband (Id. 10); she heard from a learned man at her father's that she will have to go to forest (Id. XXIX. 8), and a learned woman foretold her mother that she would have to go to forests, as she herself relishes forest-life she often desired to go to forest. She promises to be his *bhakta*, *pativrat*, dependant and equal partaker of his joys and sorrows.

She is then granted permission to follow him, (Id. XXX. 30), and then follows (Id. 32-35), a very fine speech to honour parents and teacher, and if example is better than precept, then certainly this brief speech is superior to Manu (II.) Read also (Ayodhya XXXIV. 48-58). The certificate granted by that learned and critical mother, Sumitra, is probably the highest encomium: नहि रामात्मपरोलोके विद्यते सत्पथे स्थितः ।

Nahi ramatparo loke vidyate satpathe sthitah (Id. XLIV. 26). ‘On the path of virtue, no one can be found higher than Ram.’ With this verdict history fully agrees.

When Bharat arrives after the death of Dasharatha, Kausalya says to him that on performing the cremation, she would proceed to the forest where Ram is, leaving the wide country to him to rule (Ayodhya LXXV. 14, 16). Nobody was Yuvaraj, the King was dead, Kausalya as the eldest queen thus adds her authority to the unwilling gift by Dasharath, and willingly parts with the power she has received. The family of the Ikshvakus is thrice-blessed, instead of coveting political power as is natural to men and women, and in the words of

Thomas Paine, "monarchy and succession have laid not this or that kingdom only, but the world in blood and ashes"—(*Common Sense*, page 17, ed. by Adkins), every ruler of the family gave up the reins of government and retired to forest life, and in the prime of their life Ram and Bharat and Laxman, gave up their claims, and Kausalya and Sita, in utter self-abnegation, did not give it second thought. Reader, kindly stop a moment and consider the area of this empire: from 20 degrees north to 37 degrees north, and from 60 degrees East to 96 degrees East, the Dandakaranya, the Janasthan, and Lanka were at one time part of it but now at the time of death of Dasharath it is the weakness of the centre that lost them to vanars and rakshasas. The north had the natural boundaries of the Himalaya, but in the south the sea was no longer the natural boundary. It appears from (Ayodhya LXXXII. 8) that there was some sea in the south still. In its vastness it exceeded the area that Aurangzeb or the Imperial Guptas or Asoka held under sway.

Bharat takes a series of oaths (Id. LXXV. 21-58), which go to show what type of faith predominated at the time. Kausalya was satisfied that Bharat had no hand in the exile of Ram, and that he still held fast to Dharma (Id. 62).

The obsequies of the dead may be observed in the death of Dasharath. The corpse was carried in a *shibika*, and gold and silver and clothes were strewn on the road as charity. Incense was burnt, and the corpse was laid on the fire, and the learned began to chant Sam, and the *ritwig* began to recite vedic hymns. The women attended the funeral in

carriages with old men. Bharat, ritwigs, and the queens performed the *pradaxina*, then they came to the river-side weeping all the way, then they returned home and observed mourning for ten days (LXXVI. 23). Plenty of wealth, diamonds, food grains, animals were given in gifts to the learned. Bharat granted to the learned, furnished houses and chariots, camels, and servants; on the thirteenth day Bharat visited the cremation ground. There he mourned, and cried and became senseless. Shatru-ghna similarly wept bitterly. *Asthi sanchaya* was done. All this was done directly under the supervision of Vasishtha (Id. 11). The obsequies ended with the *Asthichayan*, for भस्मान्त ॐ शरीरम् *bhasmantam shariram*, Yaju (XL. 15) and there is nothing further that was required to be done.

That religious freedom was only under prescribed limits is also evident. There was an internal limit and an external limit. That authority of Ved itself was supreme. As Manu puts it: *nastiko ved nindaka*. Religion was considered to be a matter of rationalistic faith—both *medha* and *shraddha* contributed to it. It is not blind fanaticism. A religious practice may be extra-vedic, it may not be found in Ved, but it should not be anti-vedic, must not contravene any provision of Ved. As to the external limit it will be found that no creed or religious practice was authorised which did not (i) conform to physical and moral laws; (ii) comply with rules of truth and justice, of satya and dharma; (iii) follow the basic rule that all yajya is *adhwar* and *makha*, it should be free from himsa or injury to any one; and (iv) insist on the Immanence of the Divine,

and the rule of *karma*, as you sow, so will you reap. It may further be noted here that not mechanical repetition of certain formulas or practices, but a living burning faith and *adhyatma* is insisted upon. Even the *Brahmanani* lay down that one should rise higher than mere form, see, for example *Shatpath* (XI. 3. 1. 2—4). On this side there is plenty of latitude, vide *Manu* (II. 6); prayer takes innumerable forms with the moods and modes of the votary. Of the two types of religious faith, one peoples the world with gods brought down from Heaven; the other by a natural process brings to blossom forth man with divine virtues. Avatarvad is the example of the former. But vedic literature, the *Brahmanani*, and the *Upnishad*, and following them *Valmiki*, prescribe the latter course.

A few miscellaneous matters may be examined here.

When Guharaj wished to present gifts to Ram to his heart's content, Ram refused to take anything but a little food for his father's horses: no administrator was expected to accept gifts, and we find that the Vanars also did not take any leaf from Lanka even after the great victory. Under the permission of Ram, Vibhishan gave them some presents. It is on record that the beautiful garden of Sugriva was laid to waste by the Vanars when they returned after getting news of Sita, but not one article was touched of any one else. Compare this record with the ravages of the Christian soldiers and officers after the two World Wars. How the world would be changed if every one could remember the basic rule:—

'The kshatriya would not accept gifts, he is only to grant always'—

नह्यस्मभिः प्रतिग्राह्यं सखे देयं तु सर्वदा । अयो । ८७ । १७

Nahyasmabhi pratigrahyam
Sakhe deyam tu sarvada.

This the Guharaj remembers gratefully and appreciatingly reports it to Bharat (LXXXVII. 17).

When Ram, Sita and Laxman reach the abode of Agastya, they are reported (*Aranya XII. 18-21*) to have seen the abodes of Brahma, Agni, Vishnu, Mahendra, Vivaswan, Soma, Bhaga, Kauber, Dhata, Vidhata, Vayu, Varun, Gayatri, Vasu, Nagraj, Garuda, Kartikeya, and Dharma. All the three were then at the place where the disciple of Agastya left them, until the Rishi arrived. It will be observed that Kuber, Nagraj, Garuda, and Kartikeya are not Vedic devata. Gayatri and Dharma are also mentioned. The poet is very miserly of space here, and no one can say if they were the abodes of so many living beings so named, or temples with some symbolism, or some writings, even the unduly lengthened description of Varun does not help the matter.

That they were not the temples is clear, and there were no idols is also not in doubt. Then none of the three, Ram, Sita or Laxman, pay any respect to these. The question which agitates my mind is this: was it then an exhibition, in which besides the Vedic subjects some contemporaneous subjects were also shown? Kuber it was whom Ram could have befriended, because from Kuber Ravan had snatched the Pushpak, and had slighted him. It is but natu-

ral that Agastya may have a representation of Kuber just as in the U.S.A. the oliographs, photographs of Mahatma Gandhi are met with. That every one of these Rishis was a power to reckon with or their co-operation sought is clear from Vishwamitra, Bharadwaj, and Agastya, to name only three (Vide Yuddha XXXV. 18-23).

Enough has been said of the religious freedom of the Arya. From Kishkindha (LV. 7) it is evident that Vanars were also Arya. Other reasons are given by Bhatt Shripad Damodhar Satwalekar in his appendix to the Balkand. As for the religious freedom in the realm of Lanka a few words would not be out of place to show how religious practice was protected in that state. This study will take up an easy and natural line of demarcation, viz., the religious freedom enjoyed by Sita, the religious freedom enjoyed by Vibhishan and others that were Rakshasas, and the religious practices of Ravan, Meghnad and the rest.

Hanuman calls Sita सहचररहितेव चक्रवाकी (Sunder XVI. 30). 'sahcharrahitev chakravaki' a description suggestive of the picture painted in Atharva (XIV. 2. 64), she had fullest religious freedom, and there was no restriction on her in any religious practice. (Id. XVIII. 1 et sqq.) is authority for the existence of Vedic scholars in general in Lanka, and the melody of Vedic recitation was a common feature, of which no one complained, and every one revered. In Yuddha (X. 8-9) we find Vedic recitations in the palace of Ravan himself. Id. (15) says that from the time that Sita is brought to Lanka the performance of agnihotra does not send up a steady flame, indicating

that Vibhishan at least observed the rising smoke from the agnihotra with set purpose. The next shlok proves the existence of two types of religious buildings—agnishala and Brahmasthali, the former being public places where community havan was performed, and the latter where Vedic teaching was carried on. Individuals performed havan, each in his home. Ravan and Kumbh-Karna have only one rule of life—eat, drink and be merry, (Id. LXIII. 57). That Kumbh-Karna is nobler in character appears from his denunciation of Ravan (Id. 3, 20. 15-18). But a curious article of faith to be noticed in this connection is voiced in Yuddha (LXVI. 25-26), that if one dies on the field of battle he attains bliss. The idea is met with in the *Gita*:

Hatova Prapsasi swargam, jitwa wa bhokshase mahim (Gita II.37). The *Shatpath* (XIII.1. 5. 6.) and the *Taittiriya* (I. 5. 9. 1.), (III. 9. 14. 4) exalt the value of war, and so does the *Tandya* (VII. 5. 14) *indro vai yudhajit*. But evil was the day when the *Brahmanani* praised the reward of every one dying on the battlefield as *swarg-dwar*, the gate of bliss. This gave to the unjust also the deep desire rather to die than to surrender. That article of faith so turned the history of India from the days of Ram and Ravan, down to the present day. This was in practice annulling the noble teaching of the *Taittiriya* (III. 12. 4. 7.): one must pass through five gates to reach *swarg*., viz., *tap*, *shraddha*, *satya*, *mana*, *charan*—perseverence, faith, truth, mind, and deeds. 'Those that perform good deeds come to swarg-lok', (*Shatpath* VI. 5. 4. 8); 'Only through truth could people attain swarg', (*Tandya* XVIII. 2. 9); 'Swarg-lok is nothing but our good deeds', (*Kaushi-*

taki XIV. 1), therefore *Swargkamo yajet*. 'He that desires happiness or bliss, must perform good deeds', (*Tandya* XVI. 15. 5), as the Yajurved identifies the two:—यज्ञौ वै स्वः *Yajyo vai swa* (I. 11), (see *Shatpath* I. 1. 2. 21) what was once a conditional order that there should be a just cause to fight, and the fight itself must be just, then perseverance in the fight and even death meant an achievement, was taken at the time as an unconditional charter of licence, and fight to death.

When Laxman was seeking the permission of Ram to use brahmastra to annihilate the Rakshasas, the latter said:

नैकस्य हेतो रक्षांसि पृथिव्यां हन्तुमर्हसि ॥
अयुध्यमानं प्रच्छन्नं प्राञ्जलिं शरणागतम् ।
पलायमानं मत्तं वा न हन्तुं त्वमिहार्हसि ॥ युद्ध८०।३८।३९

Naikasya heto rakshansi
prithiviyam hantumarhasi.
Ayudhamanam, prachhannam,
pranjalim, sharnagatam.
Palayamanam, mattam va
na hantum twamiharhasi.

(Yuddha. LXXX. 38-39); 'You should not murder all the Rakshasas for the sake of one. Among them may be non-belligerents, there may be neutrals, there may be those that surrendered themselves, there may be the fleeing, and there may be mentally incapacitated. You should not harm them'.

Compare this deep faith of Ram, in truth, justice and fair means employed with what Indrajit says in (Id. LXXX. 29).

पीडाकरममित्राणां यच्च कर्तव्यमेव तत् । Id. ८१।२९

Pidakaramamitranam yachcha kartavyamev tat, 'all is fair in causing injury to those that are not friendly to us'. When every one failed to face Indrajit, and Laxman was tired, the latter relied on the dharm and truth of Ram as the one cause of victory.

धर्मात्मा सत्यसन्धश्च रामो दाशरथिर्यदि ।

पौरुषे चाप्रतिद्वन्द्वस्तदैर्न जहि रावणिम् ॥ Id. ९०।७१

Dharmatma satyasandhashcha Ramodasharathiryadi,
Porushe chapratidwandastadenam jahi Ravanim
(Id. XC. 71-72).

(8) ECONOMIC INDEPENDENCE.

The economic independence of Ayodhya can be studied in the Balkand, and the Ayodhyakand. Similarly the economic structure of society at Lanka can be found in the Sundar and and the Yuddha. Finally the Kishkindha will reveal the conditions of the tribes of Vanars.

In Ayodhya society was divided into four professions: the Balkand (VI. 17), and there was no fifth varna. All the four classes contained learned men, who had utmost respect for guests, generous, brave, industrious, they were long-lived, and acted according to duty and followed truth (Id. 17-18). Civil and military authorities implicitly followed the lawyers, the jurists and the teachers of law. Industrial and Commercial classes followed the civil and military authorities; and the labour following its duty served the society (Id. 19). The poet-statistician briefly reports the qualities of the citizens: they were all patient, experts in their line,

never brooking insult; and in all branches of learning they were masters, and the state was like a den full of lions (Id. 21).

The names of Vasishtha, Vishwamitra, Bharadwaj, Atri, Agastya, Vamdev, are household names respected and loved to this day. And many others are mentioned throughout the book. There is in Marathi a dictionary of national biography entitled *Prachina Charitra Kosh* by Chitrav, remarkable for its industry and detail, it may be studied in this connection.

It may be here mentioned that the learned professions entailed voluntary poverty, and a vow of service and suffering. The great sages mentioned above lived as models of simplicity and purity. Their austere life must not be ascribed to poverty of the age. When Dasharath finished his Ashwamedha he gifted his kingdom to four learned men; the eastern to the Hota, the western to the Adhwaryu, the northern to the Udgata and the southern to the Brahma. Then he felt satisfied. But these people said that they would re-grant the country to Dasharath who should carry out the duty to govern it and that only a small gift may be given to them. (Balkand XIV, 43-48). The raja then gave them ten lakhs of cows, ten crores gold currency and forty crores of silver coins. Even this they did not keep to themselves. They gave it to Rishyashrang and Vasishtha, and felt pleased. (Id. 50-53). Those learned who had come to take part in the Ashwamedha received from Dasharath one crore gold coins and the gold bangle that he was himself wearing (Id.).

The detailed description of Ayodhya and the royal palaces, and the gifts of Ram, and Sita (Ayodhya XXXIII) as they were going to exile for fourteen years, give some idea of immense wealth of the nation. It is said that even labour used to get daily payment in gold coin. In the whole of the *Ramayan* there is one passage which I like most for its portraiture of the economic condition of the learned and their high sense of independence.

First let us recall that Ram is by nature Dinanukampi (Ayodhya I. 15), i.e. he has utmost sympathy and kindness for the needy; and that he attends to the welfare of his people as a fond father does of his own son (Id. II. 37-40). The supply department of the state looks after the requisite necessities of the people. But as Ram and Sita are giving away their all before going to exile there comes to them a Brahmin by name Trijat of the family of Garga (Id. XXXII. 30). His wife advised him to leave manual labour and to go to Ram and tell him his condition. The poverty-stricken anaemic approaches Ram and says that he has no means and has a large number of children.

To Rama it was a matter for surprise—here was a learned Brahmin who was seeking wealth, when he should have sought poverty, and welcomed it. *Arthasya purusho dasa*, man is to some extent the slave of matter. Ram wanted him to be free from this bondage. He said there are innumerable cows in the country, and not even one thousand had yet been given in gift and that he would be given as many cows as are found in the distance to which he could throw his staff. The Brahmin tied his cloth

round his waist and threw his staff. It fell far off where there were many cows and bulls. Ram embraced him and sent away the cows to his cottage (Id. 37-40).

Shri Shripad Damodar Satwalkar in the appendix of his Balkand is of the view that the population of Ayodhya would have been about thirty lakhs or three millions. In such a huge population the existence of just one such needy person speaks volumes for the economic standard of the nation, and emphasises the need for private charity in the most efficient organisation. It illustrates the eternal law of nature:—

द्राघीयांसमनु पश्येत पन्थाम् ।
ओहि वर्तन्ते रथ्येव चक्रान्यमन्यमुप तिष्ठन्त राय ॥
ऋ० १०।११७

.... Draghiyansamanupashyet pantham,
Ohi vartante rathyaiva chakra,
Anyamanyam uptishanthanta rayah, (Rig. X. 117. 5), 'look at the path with a breadth of vision, wealth passes from hand to hand behaving like the wheel of a chariot.' In the family of Ram many crowned heads after full enjoyment retired to forest life, and here was he in the prime of life, to be made a ruler on the morning, forsaking his worldly happiness, all material wealth, government and power, in pursuit of that shadow called duty, and on occasions termed loyalty. His was a great renunciation, rendered greater and nobler in the way he performed it. If people have as little attachment for power and wealth and government as is

evidenced in the cases of Maryada Purushottam Ram and Sidharth Gautam Buddha this world will put on a different appearance.

We do not know how many hours per week a normal labourer had to work, but one thing is certain; they all must have had ample time to study the nice distinctions of duty, the selection of Ram, not as a matter of course but as an act of conscious choice, so deeply discriminating; their silence when Ram was bound by duty to go to exile, their co-operation with Bharat to bring back Ram and after hearing both Bharat and Ram, their decision that Ram was in the right bespeak of their deep acquaintance with the Raj-vidya and their proper approach, which cannot be acquired by casual or superficial study or association. An allround vigilance of the population is the only safe guide in democracy. Claimants to the throne arise if they are sure of some support from the masses, a contented people, well-fed, well-educated, well-governed with no complaint against the ruler except his partiality to his youngest wife, when that partiality had not interfered with his duties to his people, their cultural, religious and social freedom was allowed full play, in the discharge of his political duties Dasharath was very careful, the masses fully aware that had the marriage agreement of giving the throne to the issue of Keykayee been in question, it could have been decided by the judiciary only in one way as being invalid and illegal for the duty to govern is not capable of being gifted. Had there been an appeal to sword either by Ram or Bharat it could similarly be decided in one way, for Ram and Laxman were enough together as matched against all forces that Bharat could gather,

but the moral level of the fight ended it in bloodless way, and cemented both Ram and Bharat and made it possible for Ram at the end of the period of exile to take up the duties of government. This lifting of the contest to a higher level was possible, because the masses were, on economic, educational, political and social front capable of attaining that high stature and helping the decision that way.

Next let us see the economic structure of the vanars.

The general prosperity of Ayodhya, and the overflowing wealth of Lanka had no effect on the economic condition of the Vanars. Their plan was entirely different. The Balkand (XVII. 9-18) recounts how these Vanars were preparing themselves to face any attack from Lankeshwar. Their life was one of utmost austerity, and physical activity. The leaders among them were Bali, Sugriva, Tar, Gandhmadan, Nal, Nil, Maind, Dwiwid, Sukhain, Sharabh, Hanuman. The characteristics of this nation as depicted in this Sarga include taking any form at will, powerful, capable of breaking mountains, crossing oceans, flying in the sky, able to catch living wild elephants, in short they had remarkable physical power and skill, but they had few wants and fewer necessities. The one rule which they recognised is that of power: Sugriva says (Yuddha II. 21): निश्चेष्टाः क्षत्रिया मन्दाः सर्वे

चण्डस्य विभ्यति

Nishcheshta kshatriya manda sarve chandasya bibhyati, 'those rulers and administrators that do not act are of no consequence; but all are afraid of an angry person'.

A nation with such ideals, and leading such life of simplicity would not be called civilised by any modern economic standard. If at all a comparison is to be found in history one must turn to the pages depicting the heroic Spartans. A treaty of non-intervention had been entered into by Bali and Ravan and when Bali was killed and his brother installed, as one man the Vanars sided Ram to destroy the power of Lanka. Theirs was thus a military camp, and they chose to live in forests (Balkand XVII, 9, 23, 24, 33). Consequently economic progress was naturally retarded. They kept themselves completely aloof from outside world, and their sole aim was national self-sufficiency.

The economic progress of Lanka reminds one of the picture of any modern society of the West. Industry, commerce, scientific advance, propaganda machine, war photography as depicted in Yudha (XXXII. 1-7), and air attack and change of form were the normal features of the Rakshasa nations. They had control over electric and water power. Reading cursory account of Lanka would show how powerfully it was defended. All this was not possible without vast production and exchange of wealth. Lanka was one hundred *yojan* or about six hundred miles from the mainland. As Hanuman first saw it he found huge fragrant forests growing on mountain tops (Sunder II). The trees were planted in lines, of which names are also given in the text. Then, as now, palm was prominent. Various birds flew about, there were gardens and public baths. Beautiful rows of lily grew everywhere.

The city was well laid out, buildings were covered with gold, houses were built in several

stories. Flags were flying in the breeze. The city was fully armed and defended, there were machine-guns, shells, and other arms. It was protected by valiant rakshas soldiers. The first impression of Hanuman is thus given न हि युद्धेन वै लङ्का शक्या जेतुं सुरैरपि। Na hi yuddhena vai Lanka shakya jetum surairapi (Id. II. 25); that 'Lanka was invincible by the most advanced in military art and science.....There is no chance of gaining over any enemy, by money, love, fear or favour nor is there a chance of war....Of the Vanars only four can get entrance here: Anged, Nil, myself and our king Sugriva'. He came to the conclusion that with such thorough organisation even wind cannot blow here without the knowledge of the Rakshasa (Id. 41-42).

It is not the object of this writer to describe in detail the condition of Lanka. That is done by Valmiki, and one must go to the original. One is struck with surprise to find so advanced a condition of economic, scientific and military progress. The one characteristic which marked off Lanka from Ayodhya is the mental outlook of the ruling power. In Ayodhya Rulers handed over their crown freely to an able successor selected by the Rishis and went out to spend his day to prepare himself for the future life. Even when on the throne they did not give any thought to mere enjoyment.....duty and enjoyment were one. Ravan speaks up his mind in Sunder (XX. 35): it is the rule of eat, drink and be merry: pib, vihar, ramaswa, bhunkshwa bhogan (vide also XX. 23). While on the one hand he worshipped Devadhideva Mahadev, he also wor-

shipped Nikumbhla, and that with wine and human flesh: Shurpanakha, his sister threatens Sita in Sunder (XXIV. 47) arguing with Ajamukhi to tear up and cut Sita to pieces. Sita describes the Rakshasas as sensuous (Id. XXXVII. 17). Hanuman first having known the life of Ravan, gives his view 'had not this king of the Rakshasa been unjust, he would have been a protector of the world government'; (Id. XLIX, 11). Again one thing must be borne in mind. In Sunder (XXI. 7, 8, 11) and (LI. 23) one law of nature is described that if the government does not honour women, and rulers are sensuous, power and wealth of vast states as well of city-states is soon destroyed.

The conclusion then to be drawn from Valmiki seems clear: firstly, injustice and oppression, secondly sensual pleasures of the administrators, are the surest causes of the downfall of any nation as a political entity, however powerful in military and economic spheres it may be. Kalidas also brings out these causes in his *Raghuvansha*, Canto (XIX), when speaking of the last rulers of the family of Ikshavaku. The government is left in the hands of the officers; debauchery is the rule of life; music, pleasures, inaccessibility to the people; wine, dance, polygamy, effeminacy instead of valour, concubinage; various types of competitions in sensuality, wickedness and shamelessness; poverty, ignorance and diseases of the people, false reasons being given to them for their miseries.

From the study of Indian Polity two remarkable features emerge. In spite of utmost independence there is no one, as an individual or a class, who will

stand up to urge a point on payment—a point in which he does not believe himself. The profession of a lawyer, if that is what it consists of, did not exist at the time. Secondly, the end did not at that stage of our legal development justify the means. Ram is furious once and only once in all his recorded life. That when he found Jabali trying to persuade him by distorting the moral law to go back to Ayodhya, (Ayo. CX). Jabali was not instructed by Bharat. Bharat paid him nothing. Bharat wanted Ram to go back. Jabali wanted Ram to go back. Jabali put forward certain reasons why Ram should return. He himself did not believe in them. Parenthetically it may be observed here that in the East the profession of law was regarded as the noblest, until the purely modern concept of the West secured pre-dominance; in India, jurists, judges, lawyers, teachers, research workers were collectively called by the generic term Brahmin, and as Justice Douglas of the U. S. Supreme Court notes in his book *We the Judges*, (Tagore Law Lectures), they had some privileges too, but as would appear from Justice S. Varadhachari, *Hindu Judicial System*, and the two articles by the author in the Supreme Court Journal entitled *Judiciary in Ancient India* (1954 S. C. J. 85) and the *Art of Governance in Ancient India*, (1956 S. C. J. 19) the life of the Brahmin was one of slow torture, like the burning of a torch, that others may enjoy light and life.

अग्निनाग्निः समिध्यते (साम उ० २।२।५) (= ऋ १।१।६)

Agnina Agni Samidhyate. In the Jewish law also his position was high. In Muslim law a lawyer is

equated to an Imam, provided he works truthfully, vide *Al Qaza fil Islam*.

(9) QUALITIES OF THE OFFICERS OF STATE.

Taking up the story of justice and administration in the middle ages, we first come across the requisite qualities of the officers of state: Yashaswin (famous) *shuchaya* or pure of character, *anurakta* interestedness in the work *raj-krityas nityasha* or absorbed in state duties day and night. Unless these basic qualities are possessed by the officers they do not deserve to be entrusted with the service. *Vide* Valmiki, *Balkanda*, vii. 2. Detailing further he says, they should be learned men endowed with humility, shame, dexterity, complete self-control of senses, contented, great in mind, experts in law, valiant, famous, cautious, obedient, never hiding their views, forgiving, kind in conversation, never acting unjustly from vengeance, lust or self-interest. They should be very well-informed as to events past and present and likely to happen or that are in contemplation, with the assistance of capable men. In their personal dealings as well as in matters of state they should be habitually acting according to law, and well tested to be sympathetic; and when occasion demands, prepared to award suitable punishment even to their children. Very careful in examining the legality of the state income, and cautious in the selection of the forces of the state, they were not inclined to punish even an enemy if his guilt was not fully established.

Brave, possessing initiative and drive, they should be acting in the highest traditions of administration. Preservers of all that is pure, they should

never hurt the learned and the forces, in the collection of income. They should award appropriate sentences with due regard to the capacity of the criminal. In all matters concerning the welfare of the state they had one mind, to serve the interests of the whole of the country in their charge. Valmiki, *Balkand*, vii. 6-14. (*Vide Artha Shastra Bk. 1 Ch. 9*).

These qualities were possessed by the ministers of Dasharath:

Dhrishti, Jayant, Vijaya, Surashtra, Rashtravardhan, Ashok, Dharmpal, and Sumantra

(*Bal. VII. 3; Yuddha CXXVII. II*).

With such qualified men the administration was the most efficient. The two *ritwig* were Vasishtha and Vamdev and counsellors were many. The government reflects the character of the nation, and at the same time sets the tone to the national character. The servants selected by Dasharath, by their conduct, set an ideal of service and by continual vigilance, exact justice and ruthless punishment which never respected persons, created an atmosphere of moral values, the foundation on which national solidarity was built up. The condition of the people is described in Valmiki, *Id.* v. 23, and vi. 6 to 27. I cannot forgo the temptation to give a brief account of them, so that you can compare your condition with theirs, and try to build a society, if you like, in that pattern. They possessed high moral qualities, kept the fire continuously, they were great in applied science (Agni means fire and electricity) or respected the judiciary continuously, for the word Agni also

means the judge; learned in Veda and the six vedanga, their conduct was of the highest dwija, generous, truthful, large-hearted, they were rishis, and maharshis. With such leaders of thought and deed, the qualities of the people were high: happiness, justice, truthfulness, learning, contentment, want of avarice, unswerving truth, there was not one that did not possess sufficient wealth, that was unemployed, that did not have cows, horses, cash, and stocks of provision. No one was to be found in the whole state that was afflicted with lust, did not give in charity to the needy; not one was cruel, illiterate, or atheist. All men and women were just, truthful, self-controlled happy, men of character, and like maharshi innocent....every one was constantly attending his duty.....and never accepted any gift except where sanctioned by law.

Modern slavery is probably more devastating, in that it separates the employer and the employee and mass production by machinery necessitates huge numbers being employed. But when Vasishtha, as directed by the raja, draws up the scheme of the yajya, he says: all employees should be fed and paid fully and that in feeding utmost respect should be shown to all. That one thousand each of Brahmins, Kshatryas, Vaishyas, and Shudras should be invited; so that arts and sciences, law and literature, medicine, profession of teaching, and the aristocracy of service and suffering may find adequate representation. Similarly the defence forces and the auxiliary forces may be represented. Commerce, industry, banking, trade, and labour may be properly selected.

For want of space the education of the princes is left out, but the thread may be taken up when

Vishwamitra arrives to ask for Ram. Constitutionally it is the council of ministers which had full control of the heir-apparent. When Vasishtha and others agreed, the Raja had to hand over his eldest son. And there was the danger of his facing Marich and Subahu and getting the worst of the fight. But Vishwamitra gave Ram and Laxman requisite training in arms, and they had the first actual taste of an engagement and learnt a lesson which was to serve them in good stead later.

Both Ram and Laxman learnt besides the fundamentals of the art of government. Where and at what precise point should individual freedom end and at what stage should government intervene, these are questions which in every political society require a solution. The classification of the society of the times into ordinary citizens, vanars and rakshasa was based on conduct. Those that fully conformed to the recognised rules of conduct were men. Vanars had certain peculiarities of traditions, while Rakshasas were not merely breakers of law, but were positively subversive elements, from whom protection was to be sought. This is the etymological meaning as given by Yaskacharya (IV. 18). Even in this group, individual cases had to be distinguished. The conduct of each must be examined, other circumstances considered and then the arm of law put into motion. This was the greatest practical lesson which the two brothers learnt with Vishwamitra. They learnt besides a yet more difficult duty. From the beginning of history the proper use of power has been a problem which baffled the best human brain. Like a double-edged sword, power, when misused, cuts both ways. Injustice breeds insecurity,

insecurity in its wake produces hatred and fear, and *dwesh* द्वेष and *bhaya* भय totally destroy the sap of love and of respect for life, and thus harmonious co-operation is set aside. Power requires greater self-restraint and more love. Punishment when awarded must be in a sense of self-surrender, of love. No personal interest, or bias, no sense of false loyalties should blind a man. And Ram learnt this lesson of love from one who is Vishva-mitra, a friend of all, the enemy of none. I can hear audibly the voice of Ram lovingly proclaim:—

नोत्सहे हन्तुमीदृशान

Notsahay hantumidrashan (Bal. XXX. 16).

“Notsahay hantumidrashan”—I have no heart to kill them. His over-flowing love again is in evidence when alone he takes up the position to grant shelter to Vibhishan against all opposition. Once in the thickest of the fight he gives Ravan, tired and broken, time to rest. Both Bali and Ravan receive adequate funeral ceremonies, and it is Ram's greatness that triumphs in inducing Vibhishan to perform his brother's cremation (Yudh. 110. 100). Shri Shripad Damodhar Satwalekar in his Ramayan's Appendix at pages 448 to 453 gives a list of qualities of Ram as collected from Valmiki. It is a list which every student of law, politics, and Ethics should read. Historians who believe old history of India one record of carnage will do well to read and verify this list.

The third and the last lesson learnt in this expedition with Vishwamitr was no less important,

viz., that of the freedom of religion. The Rishis were busy in their religious practices and scientific and spiritual experiments and experience, and the Rakshasas were disturbing them. How was the freedom of the one to be reconciled with the deeds of the other? History records how in some parts of the world the established Church was protected at all cost, and all those that did not conform to it were out-laws, and their life was not safe, nor was their property protected.

Any one can learn a lot from the history of Europe, and the history of the Saracens; the Crusades were all fought on the alleged ground of religion. Freedom of faith and religion has two aspects. From the point of view of the devotee in as much as it is a matter of the heart, it is beyond human reach and interference: this aspect is emphasised in Rig. (VIII. 48. 3) "I have tasted of the nectar of love of him, I have been enlightened, no body can now touch me, either by with-holding co-operation or by direct interference." But then there is the duty of the State. It has to protect all individual religious observances, that are not harmful to others, and allow equal chances to all. But interference in the religious practices of others is not a religious practice itself. The interference is to be controlled.

Both Vasishtha and Viswamitra were great sages, seers and visionaries, in one word Rishis. Rigved Mandal VII and III were preached by these rishis. If an Arshaya Sanhita is compiled it will show the services rendered by these seers and their disciples. The Swadhyaya Mandal was doing this work. These

great seers taught Ram the difference that arises when the citizens of one state disturb the religious practices of the citizens of another state, with a view to secure political ascendancy and to reduce them to slavery. Liberty of body, mind and soul is prized above all else and the hymns of Atharv unmistakably lay down the law against all those who would disturb the established liberty. Such persons must be dealt with sternly and no quarter given them. The king of Madhupura was married to the cousin sister of Ravan name Kumbhinasi, and the Vanar King Bali had a treaty of non-intervention with Ravan, that they would not interfere in the affairs of each other. It was therefore a present danger and of the war potential of Ravana even Dasharath was frightened (see Balkand xx. 1 et sqq). And in this condition of political atmosphere the two veterans Marich and Subahu were troubling the Rishis to prevent their religious practices, study, and research. Viswamitra also took them to the Swayamvar of Sita. That Dasharath and Janak were on intimate terms is evident from the fact that the latter had been invited specially at the yajya (Balkand xiii 10).

After their marriage Ram and Sita for twelve years were happily in Ayodhya. These years were not spent in vain.

Dhrataavratah, kshatriya, yajyanishkrita

Vrahaddiva adhwaranam abhishriyah

Agni-hotar, ritsapo, adruha,

Apo asrajannu vratraturyaye. Rig. (x. 66. 8).

धृतव्रताः क्षत्रिया यज्ञनिष्कृता

बृहद्दिवा अध्वराणामभि श्रियः ।

अग्निहोतार ऋतसापो अद्रुहोऽपो
असृजन्ननुवृत्रतूर्ये । ऋ० १०।६६।८

(10) WOMEN OF THE RAMAYANA

In the *Principles of Dharmashastra* by the writer is given a list of twenty-two women Seers of Ved, and the references to the hymns of which they are the Seers. They cover a variety of subjects legal, political and social, and particularly rich in assigning a position for women, in no way inferior to man, in some respects superior to him, but controlling the relationship of husband and wife, in which both follow the law and the latter has the duty to follow the husband. During the period of the *Brahmanani* in certain respects her position was raised, but in other matters she was dragged down. Only a few illustrations could be given here to prepare the background for the appreciation of Valmiki.

'The wife is half of the self' or expressions to that effect are met with in *Shatpath* (I. 3. 1. 12), (I. 9. 2. 3), (II. 5. 2. 29), (III. 8. 2. 2), (V. 2. 1. 10), *Taittiriya* (III. 3. 3. 5). The wife is said to be the form of all that is benevolent *Shatpath* (XIII. 2. 6. 7), *Taittiriya* (III. 9. 4. 7—9). The wife is the legislator (Savitri), *Jaimini Talawkar* (11. 27. 17), the order was given that husband could not perform yajya without his wife joining him (*Taittiriya* II. 2. 2. 6). It was ordained that no woman can be punished or injured, *Shatpath* (XI. 4. 3. 2). It is said: सखाह जाया *Sakhaha jaya* (Ait. VII. 13) i.e. a wife is a friend, and that समानेन सख्यं *Samanena Sekhyam* there is a friendship among

equals. The corollary would follow, viz.—husband and wife were friends and equals. *Taittiriya* (III. 3. 3. 5) and *Shatpath* (V. 2. 1. 10) said she was half of the self. With all this it was also said that polygamy is allowable, *Shatpath* (IX. 4. 1. 6), *Aitriya* (III. 23), *Gopath* (U. III. 20); and further still that woman was branded as untruthful, classed along with the lowest of the low, dogs and crow, and for the first time stri and shudra were bracketed together, *Shatpath* (XIV. 1. 1. 31). The *Upnishad* went still further and let women down.

Women of the *Ramayana* may be classified in various ways, but the most natural classification that suggests itself is the order of reverence which Valmiki himself accords to them. Thus the foremost among them is Kausalya, the mother of the hero, Ram. She is a class by herself.

Then comes Sumitra, Sita following her very close, Tara the widow of Bali, Mandodari the wife of Ravan, Kala the daughter of Vibhishan, Urmilla the wife of Laxman; in the third category, standing alone, towering over all, a little apart from Kausalya, is the sweetest Queen of Dasharath, Kaykayee, condemned like Judas Iscariot, unheard and undefended. Those that have seen her on the stage with Durga Khote playing her role in the film *Bharat Milap* directed by Vijaya Bhatt, will never forget her in her grandeur—in greatness, and mistakes alike, youth, beauty, emotions, as the *Brahmanani* say, all mixed together, and embodied in her. Who was responsible for the misfortunes of Sita, was it Kaykayee or Sita herself, or Laxman or Ram?

Of the malefactors, there is also a long array in Valmiki. Manthara, the slave woman with Kay-

kayee, another Manthara Raxasi, Tadika, Shurpanakha, etc. In the Ashokvatika there were many women guarding Sita.

A class by themselves, voluntarily choosing poverty, the lonesome forests, and the service of their husband and formulating an example of the women rishis of old were the wives of the Rishis in the age of *Ramayan*. Only some great names are given:—Anusooya the wife of Atri, (Ayodhya CXVIII) et seq., innumerable other women with whom Ram, Laxman and Sita spent their days (Aranya XI. 23-26), but no names are mentioned here. In the Ashram of Agastya, Ram, Sita and Laxman paid their respects to the Rishi but of his wife no mention is made.

Of Kausalya we have said enough in the preceding pages. Let it suffice to state here that she had three thousand villages as her personal property (Ayodhya XXXI. 22). She was a great patron of learning. She had an acharya of the Taittiriya Shakha (Id. XXXII. 15). A very large number of post-graduate students, and the learned (Id. 22-24) were maintained. Every one of the Queens and Princes and Princesses had separate palaces of their own. Her attitude towards Kaykayee was that of a sister (Id. LXXIII 10), Sumitra was more attached to her. The King in (Id. XII. 69) admits that the services which a slave, a friend, a sister, and a mother would render, Kausalya was performing all alone. When she gets to know that Kaykayee also joined with Dasharath in the order of exile of Ram she did not insist on detaining him at Ayodhya (Id. XXI. 52, XXIV. 1 etc.). She deeply loves Ram,

would have preferred death to separation (Id. XX. 61), (XXI. 52-55). When Ram reminds her of her duty as wife to serve Dasharath, and that after Ram goes away and Dasharath is deprived of the company of Kaykayee, she will have to serve the King (Id. XXIV. 11), she contents herself to serve her lord and master. Indeed the King comes to her (Id. XLII. 27); pitiable is his moan:

न त्वां पश्यामि कौसल्ये
रामं मेऽनुगता दृष्टिरद्यापि न निवर्तते ॥

अयोध्या. ४२।३४

Na twam pashyami Kausalye

Ramam me anugata drishtiradyapi na nivartate
(Id. 34).

'Kausalya I am unable to see you—My eye-sight followed Ram and did not return yet'. She at random said some unpleasant words and Sumitra had to speak words of sympathy to console her in her recent loss (Id. XLIII—XLIV).

Kausalya gave advice to her daughter-in-law, Sita, it is a string of pearls, to be read *in extenso* in the original (Ayodhya XXXIX. 20-25). Her complaint to the King in (Id. LXI.) particularly (26) though too true is harsh, and immediately she repents (Id. LXII. 10-17). When Dasharath died accusing Kaykayee (Id. LXIV. 76) the patience of Kausalya broke down and she too said some harsh words to her (Id. LXVI 3-6). Barring these two instances, she always kept her mind calm, and heroically bore all misfortunes. Shri Vishnu Damodar Pandit compares Kausalya with Kunti,

the mother of Dharmraj Yudhishtir, particularly (Ayodhya XLIII. 4) and the *Mahabharat* (Ashram-vasik XVII. 1-7), and concludes that Kunti far surpasses Kausalya. That is one view, and it is not likely that every one should hold identical views. Kausalya had fondness for her son no one may controvert, that Kunti throughout requested Krishna to see that the Kaurav princes are punished suitably, is not in doubt. Few can agree with the conclusion that Kaykayee and Dasharath had embittered the life of Kausalya, and hence she lost all interest in the progress of Ram. The reason appears to be the character and upbringing and society of the two women; secondly, comparison is always partial, as no two human lives are identical in their setting. The three Queens of Dasharath behave differently in the same circumstances. Kunti and Madri are also responding differently to the same causes in their lives. Kunti had four sons, the eldest Karna was with the Kauravas, the mother herself took a vow from him that except for Arjun he should not try to kill any of the Pandav princes. For thirteen years Kunti lived with Vidur, while the Pandavas suffered exile. Her life was one long, bitter-struggle. Both revenge as against the unjust Kauravas and the natural desire to see the Pandavs restored to power worked simultaneously. Kausalya is thoroughly human, acting up to the highest ideals set by the Indian Rishis of old.

Of Sumitra little need be said. She is staid, philosophical and always calm. Her advice to Laxman turns stone into iron and transforms it to gold. Kaykayee is not yet justly treated. Ram knew her and

did not hold her responsible for his misfortunes. Indeed he did not allow Laxman to talk against her. As Sumantr recounts in Ayodhya (XXXV), the mother of Kaykayee also was impetuous, but her husband controlled her, whereas Dasharath was unable to control Kaykayee. Any criticism of Kaykayee was improper. Her immense love for Ram is always in evidence—except once.

Sita is the ideal woman Valmiki presents. This name is met with in the *Taittiriya* (II. 3. 10. 1). She was trained by her parents and by her mother-in-law, Kausalya, in the duties of a wife. But two breaches of her duty brought on all trouble on her head. In Aranya (XLIII. 9) Valmiki frankly admits her as *हृत्चेतना hratchetana*, devoid of intelligence, in asking Ram to get the golden deer, when Laxman had correctly said that it was not a deer but Mareech. Her second weakness was in ordering Laxman to go in search of Ram (Id. XLV. 4). At that stage she says some very bitter words to Laxman, who is certain that it is not the voice of Ram seeking assistance. Laxman gives the finest reply in the circumstances:—

उत्तरं नोत्सहे वक्तुं दैवतं भवती मम

Uttaram notsahae vaktum daivatam bhavati mam,

'I cannot give you any reply, as I have utmost reverence for you':

धित्त्वामद्य विनश्यन्ती यन्मामेवं विशङ्कसे ।

स्त्रीत्वाद्दुष्टस्वभावेन गुरुवाक्ये व्यवस्थितम् ॥

Dhiktwamdya vinaseyanti, yanmameva vishenkse,

Streetwaddushta swabhaven guruvakye vyavasthitam.

'I am carrying out the order of my Guru (Ram), and you, out of natural ill habits of women even suspect me. Now you are going the path of ruin, be dhikkar on you'. (Id. XLV. 33). The word *dhikkar* is used to convey disapprobation.

Kausalya, and later Agastya both advised utmost caution, in the conduct of women, Ram was advised at the outset by the Rishis not to leave Sita unattended. If Sita threw all caution to the winds, she was herself primarily responsible for her misfortune. She realises, too late, that it was not a genuine deer (LIII. 4). One remarkable feature of the age of the *Ramayan* is that no king, prince or princess nobody was above criticism. In a Democracy, whether Republican or Monarchical, the right to criticise is a valuable and cherished right. With utmost love and respect for Sita, Laxman is truthfully stating the dead certainty in (Id. XLV. 30, 33, 35). Those that blame Laxman for deserting the post of duty, do not fully realise that Ram was more liable to condemnation, if any, in that he did not provide for contingencies like this, for Laxman both Ram and Sita had the privilege to command. Ram at the outset (Id. LVIII, 18-et sqq.) accused Laxman, but soon realised the situation (Id. LIX. 14.) Ram too was at the time शोको अपहत चेतना *shoko apahratchetana* (Id. LXIII. 1) overcome by grief. It was the thought that Sita was either eaten or snatched by Raxas, (Id. LXIII. 7). So then for Sita, too, it was not unnatural to suspect that alone in the forest,

faced by Raxas, Ram may have come to grief, and over-come by anxiety she pressed Laxman to go and help him. That is why neither Valmiki nor Narad disapprove her conduct. Ram, too, does not hold her responsible. He holds his past deeds to blame for the continuous grief, (Id. LXIV. 4). He recounts her habitual care and caution (Id. 14-15). Laxman then warns him to control himself, and do the needful (Id. 19), and not to allow himself to be over-come by grief.

It is said by Pandit Santangopalacharya that while Rukmini is learned and equal to Krishna, as she says, in learning, Sita is illiterate. It is not so. Valmiki does not record the educational progress of any one, year by year, or the examination passed. He does not record whether the various persons were *Upnit* or *un-upnit*. Sita must have been *upnit*. She says her mantra with Ram, or alone, she is said to be likely to approach the water to say her sandhya by Hanuman who must have known the society of the time, vide (Sunder XIV. 49). She must have observed Brahmacharya herself and she says, during exile she will live the life of a Brahmcharini (Ayodhya XXVII. 13). Her education is evidenced by her conversation. Her deep and penetrating knowledge of both the theory and practice of statecraft, and of the constitutional conventions is indeed remarkable. In the *Taittiriya* (II. 3. 10. 3) Sita is shown to have learnt ved from her husband—she is also termed Sita Savitri indicating her capacity for political organisation. The Sita of the *Ramayana* also possessed this quality.

It must be evident to even a casual reader that chastity among Arya and Vanar women was part of

their life. Even among Raxas women it was so but some lived a free life. Tara of the Vanars and Mandodari of the Raxasis are regarded as models of female virtues. They are counted among the Panchkanya, the five ideal women.

As to the legal rights of women, it may be noticed that at this stage of development in our history women were under no disqualification. There was no external control, because there was powerful selfcontrol. Women had proprietary rights equal to those of men. Kaushalya gave her property for the advancement of learning. Sita, after the coronation, gave her garland and garments to Hanuman (Yuddha CXXVIII. 78-82). Before her exile she gifted all her property (Ayodhya XXX. 44 etc.). The Dharmashastra recognises the fullest rights of women before marriage, during marriage and as widow. As Hon'ble Mr. Justice Venkatrama Ayyar notes, citing the text of Brihaspati, the fundamental concept as laid down in the *Brahmanani* and the *Smritis* is that heirship arises in the case of others on the death of a person, whereas the basis of her title is that the husband continues to live in her, (1953) II M.L.J. 561.

From Yuddha (CXIV. 28) it appears that women of the royal family did not normally come out, but they could come out when in trouble, when there was physical necessity, in a *swayamvar*, or *yajya* or marriage (but it may be noted that at Ayodhya there was no such seclusion of women, at the time that Ram was to be proclaimed Yuvraj, for that is not in

the list of exceptions noted above). Secondly, we know that Kaykayee attended Dasaharath on the battle-field and helped the Raja, and thus secured the right to get two boons. The practice of seclusion of women may have existed in Lanka, and it is Vibhishan who is reported driving away the Vanaras when Sita came. The Yuddha (CXV. 19) is not a statement of substantive law, but a rule of procedure. He then goes on to say that if Sita liked she could get the question of law settled by Laxman, Bharat, Shatrughna, Sugriva or Vibhishan (Id. 22-23). She had to undergo the ordeal of fire as laid down by the Smritikars, Manu, Katyayan, Narad and the rest. The *Chhandogya Upanishad* also refers to ordeals. An act may be voluntary, or negligent. But an act done to A against his will, without his consent or concurrence, without his conspiracy, or any other responsibility does not make A liable. The *Yogavasistha* says: *manah kritamkritam*, where the mind is associated with the act, and where it is not so associated must be clearly distinguished. This question is very ably discussed by Shamsul Huda in his Tagore Law Lectures. See also the *Mitakshra* on *Yajyavalki* (III. 267).

There was the strongest presumption of innocence in favour of Sita. But in view of the fact of her detention for so long the law required a proof of innocence. The proof could be given under the existing law. Sita also desired to rest her case on presumption only and had to give proof after the attitude of Ram was ascertained. The ordeal was the legal proof. Those that drag in Dasharath, Vishnu and Indra and the whole host of heaven and hell know neither the laws of nature nor the law of man.

Anusooya was not mentioned along with other women, as she is a class by herself. Rishi Atri calls her महाभागा *mahabhaga*, तापसी *tapasi*, and धर्मचारिणी *dharmcharini*, (Ayodhya CXVIII. 8). Anusooya taught Sita to respect her husband and serve him. Her message (Id. 22-29) is simple and forceful. Then at once Sita remembers the advice that Kaushalya gave her when leaving Ayodhya, and also the advice given by her own mother at the time of the marriage. Sita then recounts the illustrious example of Savitri, Anusooya, Rohini, and various other women that patiently served their husband. So pleased was Anusooya to hear it that she gave to Sita garland, garments, and *anulepan*. She asked Sita to recount to her the details of her *swayamvar*, which she did. Shlok 28-33 seem to be irrelevant, and added later. The conduct of Sita in insisting to go with Ram to the forests and her sharp expressions are taken out of the context and criticised as unworthy of her. Before Anusooya she gives her mind that from the date of their marriage:

अनुरक्तस्मि धर्मेण पतिं वीर्यवतां वरम् ।

Anuraktasmi dharmena patim viryavatam varam (Id. 54).

'I am bound by dharma to serve my lord and protector'.

It will be observed that the bond which binds Sita to Ram is the bond of attachment arising out of her sense of her dharma duty towards Ram. It is

not the result of kama or lobha, either lust or greed.

The existence of Kausalya and Anusooya is a condition precedent to the existence of a fond husband Ram and the devoted wife Sita.

Had I the time and the means to write a book I should have written an Epic of one lakh shlokas on the women of the Ramayana.

(11) SHUDRAS.

As originally planned I did not propose to include this subject in this book. I was asked to speak on the life of Ram at the Sahitya Academy at Gowli-pura, when Shri T. Ramamurti did not come. And during the questions the legal status of Shudras came under discussion. Principal Priyavart, Vedvachaspati, of Gurukul Kangri, is of the view that shudras meant mentally deficient persons, idiots, lunatics. Vide *Mera Dharma* pp. 72-73, and other pages in the book. The *Principles of Dharmshastra* pp. 32-35 sums up the position in a *nut-shell*. For the statement there made, the authority of Ved, the *Brahmanani*, the *Upnishad*, *Manu*, the *Nirukta*, the *Mahabharat*, the *Dharmasutra* and the *Purva-Mimamsa* is cited. Dr. A. C. Bose in his book entitled the *Call of the Vedas* at pages 153-154 cites the authority of Atharv (VI. 69. 2), (IX. 1. 19), and Yaju (XXVI. 2).

Any student of the subject will feel with Dr. A. C. Bose: 'The so-called Brahmins of a later age who thought that the Vedas should not be taught to any one who was not a member of the Brahmin caste

were going against the Ved itself.' To deprive any part of society of educational facilities, not to allow it to progress mentally and morally is practically to deprive him of the status and position of man, and to confine him to the status of a *pashu*, an animal. But it will be observed that some passages among the later *Brahmanani* and some passages in the *Upanishads* deprived both women and shudras of the unlimited right of receiving education. Some of these passages cannot be reconciled with other passages in those very authorities. The rule of interpretation would require the rule as to disqualification to be a special rule for particular occasions only, unless it is proved that it is an interpolation. For example, *Shatpath* (XIV. 1. 1. 31) and (XIV. 4. 1. 25). *Tapo va shudra* (*Shatpath* XIII. 6. 2. 10) and *tapase shudram* (*Taittiriya* III. 4. 1. 1) would indicate that manual labour was the distinctive feature of the labouring class, of shudras. Then both *Shatpath* (XIV. 1. 1. 31) debarring the untruthful, *anrat*, and *Taittiriya* (III. 2. 3. 9) debarring the unjust and untruthful, *asat*, mark out of the particular class of persons not entitled to the benefit of study. The *Chhandogya Upnishad* (III. 2. 2. et sqq) records how Raja Janshruti went to learn from Raikwa and gave him his 600 cows, a necklace, a chariot with a horse and presented it to Raikwa. He called the Raja shudra and would not accept the gift. The Raja then offered one thousand cows, and his daughter in marriage, and also the gift of his village. Raikwa then agreed to impart education to the Raja. On this story is built the prohibition for the shudras to study Ved. The *Vedant Darshan* (I. 3. 34-35) is based on this passage. Satyakam Jabal was not debarred

when his truthfulness was tested. The student who would acquire knowledge by exchanging it for a few pieces of silver or gold has no high value of it. The *Nirukta* (II. 4) cites four shlok from *Chhandogya Brahmin* no longer extant, but referred to by Kul-luk on Manu. The passage also is given by Manu (II. 114-115). It will be observed that the *Chhandogya Brahmin* as cited by the *Nirukta* and by Manu does not contain any disqualification on the ground of caste or birth. This should then be the correct meaning of the other passages from the *Brahmanani*.

At any rate neither Valmiki nor Ram recognise any disqualification on the ground of birth. In my speech at Gowlipura it was pointed out that Ram befriended Guhraj, Ahalya, Shibri, and many more. By order of Dasharath one thousand Shudras are invited to the ashwamedh yajya. The raja warns his officers to treat every one with love and respect. The right to receive education means the right to be a man, deprivation from it spells the ruin of the whole society. Hence the anxiety of Ved to carry its message to every one—इलामकृण्वन्मनुषस्य शासनीं Illama-kranvan manushasya shasnim (Rig. I. 31, 11).

प्रचोदयन्ताम पावमानी

Prachodayantam Pavamani (Atharv. XIX 71. 1);

मा हिंसीद वेद

Ma hinseed ved. (Atharv. VII. 54. 2).

Those writers that prohibit the study of Ved by Shudra forget that some of the Vedic Rishis were

themselves Shudras. This question is discussed in detail in the *Principles of Dharmshastr* at page 16. They base their conclusions on passages from the *Upanishads* divorced from the context. But if one admits, as is clear, that it is also the rule of law for human conduct, then the need for its study becomes imperative. There cannot then be any rule 'A shall not study Ved', or 'B may not study Ved'. It could be one rule only that every one shall study it.

सं श्रुतेन गमीमहि मा श्रुतेन विराधिषि ।

San Shruten gamemahi, ma shruten viradhishi (Atharv. I. 1. 4); principles of conduct must be read, and digested, and acted upon.

Vide p. 91 the *Principles of Dharmshastr*.

Valmiki as a staunch follower of the *Taittiriya*, throughout consistently takes this view.

(12) THE ARYA, THE VANAR AND THE RAXAS

यद् वीडाविन्द्र यत् स्थिरे यत्पशाने पराभृतम् ।

वसु स्पर्ह तदाभर ॥ (ऋ० ८।४५।४१) (साम ३।४।१।९)
(अथर्व० २०।४३।२)

The question which has assumed some importance in South Indian politics is whether there were two groups of men at the age of Ram, viz., Aryans and Dravidians, representing two conflicting classes. Secondly, were the Aryans originally non-Indians? To what races did the Vanars and Raxasas belong?

THE ARYA, THE VANAR AND THE RAXAS 111

In Rig. the word Raxas is met with at thirty-nine places:—

1. I. 35. 10; 36. 15; 76. 3; 79. 6; 129. 11;
2. II. 23. 14;
3. III. 15. 1;
4. IV. 4. 1; 15;
5. V. 42. 10; 83. 2;
6. VI. 21. 7;
7. VII. 1. 13; 104. 7; 17-19;
8. VIII. 23. 14; 60. 10; 19;
9. IX. 63. 29; 71. 1; 86. 48; 91. 4;
10. X. 76. 4; 87. 23; 25; 132. 2; 192. 3.

The other forms are used about eight times.

In the *Brahmanani* also the word occurs, more often in the *Shatpath* and the *Aitreya*. Only a few references of the former are given below:—

- I. 1. 1. 16; 4. 6; 2. 1. 6; 2. 13; 3. 4. 8;
4. 5. 3;
7. 1. 20; 8. 1. 16; 9. 2. 23, 25.
- II. 1. 4. 15.
- III. 1. 3. 13; 2. 1. 40; 4. 1. 16; 8. 2. 14.
- IV. 4. 5. 6.
- V. 2. 4. 14; 4. 1. 10.
- VII. 4. 1. 34, 37.
- XIII. 4. 3. 10.
- XIV. 1. 3. 29.

In all places the word occurs to convey the meaning of 'persons against whom protection is sought'. The *Nirukta* uses it in the same sense, *rakshorakshayitavyamasmāt*, (IV. 18). Nowhere is the word used in the sense of a race. Sin is always original, hence the turn of expression, as original as sin. But that hardly would justify any one to say that any original race was sinful. Shri Gunde Rao Harkare in a series of articles in the *Madhurvani* from Kartik 1862 Shaka (from Belgaum) defended Ravan, and brought out his character. In Valmiki both Dasharath and Ravan, have weaknesses, no one would call them Raxas together as Dasharath was never violent. In Rig. (I. 76.3) (I. 79. 6) and other passages, as also in *Shatpath* (I. I. 4. 6; I. 2. 1. 6. 9; I. 2. 2. 13; VII. 4. 1. 34), *Kaushitaki* (VIII 4; X 3), agni and the learned are shown as the powers that destroy the trouble-shooters. In the two articles *Judiciary in Ancient India* (1954) S.C.J. 85 and *Art of Governance in Ancient India* (1956) S.C.J. 19 the writer tried to show that agni means the judiciary; and the word brahmin means, the learned, and also a lawyer. The protection from rakshasas then is to be sought by protecting one's rights. Had there been any question of any foreign race faced with any aboriginal tribe the sword alone would have been decisive. On the contrary Vibhishan is crowned by Ram; his companions granted protection; and Sita herself protects those of the Raxasis who troubled her on the plea, seldom recognised even in modern wars, that they were serving their erstwhile masters, now they do not deserve punishment (Yuddha CXIII. 35-37). Compare the

Nuremburg and Tokiyo trials in this context. Then again there is no evidence that the Arya came from any region outside India. But is there any evidence that the Rakshasas are the aboriginal tribes? The *Brahmanani* declare that the Arya, the Yaksha, and the Rakshasa were one people. The *Ramayan* lays down that Ravan was the grand-son of Pulastya, himself an Arya Rishi. Pulastya had one son by name Vishrava, who had two sons Ravan and Kuber. While Ravan is a Rakshasa, Kuber is not. We have had to refer before that Kuber was on friendly terms with the Arya, and they kept his photographs in their homes. Rig. (1. 129. 11) lays down the duty of the ruler of the Kshatriya to give protection against the offenders; to grant protection to the peace-loving and to me it seems that this hymn was the nucleus of the concept of Valmiki to write a book that he did. Even to a casual reader this main object is perceptible at every *sarg*, in every *kand*. If Brihaspati is the Prime Minister, as I maintain in my second article referred to above and the Hindi booklet the *Vedic Nyaya Vyavastha*, printed at the Kripa Press, then this duty is cast on Brihaspati also (Rig. II. 23-14), etc. In the same way the name Ayodhya also is borrowed from Veda: देवानां पूरयोध्या *Devanam pura Ayodhya* (Atharv X. 2. 31), the word is found also in Atharv (V. 20. 12; XIX. 13. 7).

जुहुरे वि चितयन्तोऽनिमिषं नृम्णं पान्ति ।

आ दृढां पुरं विविशुः ॥

Juhure vi chitayanto animisham nramnam panti,

A dradham puram vivishu, (Rig. V. 19. 2), again forms the basis of the story of the *Ramayan*—

which emphasises the duty of thoughtfulness and the duty of vigilance. From Narad the history of Ram was derived, and from Veda the duty of raja was available and the first treatise on political science was written in verse. There is not the slightest evidence of any racial fight. Prescott records the history of one racial war in South America. Compare that with the *Ramayan* and the difference is discernible at once. The history of the Maya and the Negro both in U. S. A. and Africa is also to be read in this context. Particularly interesting is the history of Negro preachers in U. S. A. e.g., *God's Men of Colour* by Foly S.J.

Most of the Rishis are named in the *Ramayan* on Atharv (XVIII. 3-15-16). The Brahma-Jaya Sukta (Atharv V. 17) lays down the need for moral life stricter controlled in the case of the rulers than in the case of ordinary citizens. The reason is not far to seek. Any loose morality in the sovereign is more dangerous to society, both as impairing the ideal, for as Krishna observes:

यद्यदाचरति श्रेष्ठस्तत्तदेवेतरोजनः ।

स यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

Yadyadacharati shreshthastaddevetaro janah.

Sayat pramanam kurute, lokastadanuvartate, (Gita: III. 21); and, secondly, as with the concentration of power in his hands, it may be difficult to correct him later. Therefore certain basic virtues are insisted upon in Valmiki and the *Arthshastra* and other writers on political science follow the rule. In another connection we referred to this point briefly. Now let us see what are the qualities of a

raja that Valmiki insists upon. These may be arranged in four groups: Gunvan (qualified), Viryavan (valiant), dharmajya (strictly following truth and justice), kritajya (grateful), satyavakya (truthful), Dhratavrat (adamant in his duty), charitra yukta (man of strong character), sarvabhutahit (benefactor of mankind), vidwan (learned), samarth (self-reliant), priya-darshan (sweet-looking), atmavan (conscious of his duty), jitkrodha (mastery over anger), dyutiman (graceful), anasoo-yaka (never backbiting), jatosh (when angry even the learned are afraid of him). The first group of these relate to personal appearance e.g. priya-darshan; his appearance must not be frightful. The second group relates to his personal character; the third may be called administrative virtues, e.g., dharmajya, etc. The fourth group of qualifications may be called preventive, anasuyaka, for example. It prevents dwesh or ill-will. It will be observed that control of anger and anger which could even frighten the wise are both insisted upon. It is the personal animosity that should be curbed, while righteous indignation is the motive force that insists on justice being done even against the strong. This is termed Manyu. It is part of a prayer in Veda to say:

मन्युरसि मन्युं मयि धेहि ।

Manyurasi manyum mayi dhehi (Yaju XIX. 9).

The Almighty never tolerates injustice, may He give me the power to oppose unrighteousness.

In the same four groups fall the qualities enumerated by Narad. The qualities that are basic given by Valmiki are general. While some of the qualities enumerated by Narad are personal to Ram specially those pertaining to his personal appearance e.g. ajanubahu; some are conditioned by his relationship, e.g., Kausalyanandvardhana. In the case of others the quality must be taken to mean mother. If so interpreted the list of moral qualities given by Narad will be found to be universal in application. Following the groups classified above these qualities are listed below:

1. Personal. Mahabahu, kambugriva, vipulansu, mahahanu, mahoraska, gudhajatra, ajanubahu, sushira, sulalat, sam savibhiktang, snigdhdhara, pinvaksha, vishalax, sadaiv priyadarshan, Kausalyanandvardhan, shriman.

2. Character. Mahavir (valiant), dyutiman (see above), dhritiman (dutiful), vashi (self-controlled), buddhiman (wise), maheshwas (able to use a great dhanush), pratapvan (majestic), laxmivan (qualified), shubhlaxan (graceful, virtuous), yashaswi (famous), ved-vedang-tatwajya (master of ved and vedang).

3. Administrative virtues. Niyatatma (fixed principles), nitiman (learned in political science), vagmi (able sweetly to express himself), shriman (resourceful), shatrunibarhana (overcoming opposition), dharmajya (see above), satyasandh (see above), prajahit-rat (absorbed in the interest of the people), samadhiman (equally protecting all), prajapati-sam (rule of law).

Rakshita jivalokasya (sustaining the people), dharmasya-parirakshita (specially applying law in all conditions), rakshita-swa sya-dharmasya (strictly following one's dharma), swajan-raksha (protector of his people), sarvashastrartha-tatwaja (master of all latest knowledge), dhanur-ved nishthita (dhanur ved the science of war, mastery of which is requisite, as the ruler is also the Commander-in-Chief). It may be carefully noted here that Indians never thought of weapons as a means of offence—they are merely defensive or protective—the *Shatpath* (V. 3. 5, 27) lays down the rule *vratragnam vai dhanu*, the dhanu is that which punishes or teaches the law-breaker. Sita has the same idea and reminds Ram of it as any one may remember अग्निसंयोगवद्धेतुः शत्रुसंयोग उच्यते । Agnisanyogvaddhetuh shastrasanyog uchchyate, (Āranya IX. 23, 20-26).

4. Preventive virtues. Arindam (having no personal enemy), suvikram (active), jyana-sampanna (visionary), Shuchi (purity of character), dhata (protector), ripunishudan (overcoming enemies), smritiman (keen of memory), pritibhanvan (tactful), sarvlok-priya (beloved of all the subjects) sadhu (gentle), adinatma (strength of will), vichaxan (open hearted), always easily accessible to and the centre of the wise), arya (cultured and active), sarbhir vasamshechaiva (with equanimity), sadevapriyadarshan (beaming smiles) gam (serious), dhira (patient), virya (active, virile), somavat-priyadarshan (happy looking like a judge), krodhi (in anger like fire or death), kshama prithivisama (in forgiveness

like earth), tyagi (charitable), satya (in truth like Dharma and satya-parakram (acting justly).

When these qualities are so examined they supply a necessary knowledge held from Valmiki down to this day by Indian statesman as essential moral equipment of a prince. When Gandhiji wanted to bring morality into politics, he was not the philosopher that some people regarded him. Gandhiji did what Valmiki, Kautilya Chanakya and Vishnu Pandit and a host of others did. Valmiki describes Ram, Bharat, Laxman and Shatrughn as vishnu or yajña (Bal. XVIII. 11-14), and when they were in charge of the administration, Valmiki desired the government to merge its character if any of befriending any half-truth or untruth, and to be for ever an ideal, true and just government. When Hanuman goes to Lanka and tries to meet Sita he begins to praise Dashrath and Ram (Sunder XXXI). As to the latter he sums up in a few words: greatest among all warriors, protecting his vows, protector of his people, protector of all creatures, and dutiful, (Id. 5-6). Sita then questioned him about Ram. Again Hanuman describes him in Sunder (XXXV. 8-21). As Shri Gunde Rao Harkare says this passage is very brief and yet gives the finest pen-portrait of Ram, his physical appearance, his moral qualities, his administrative virtues, and the distinctive feature:—

मर्यादानां च लोकस्य कर्ता कारयता च सः।

Maryadanam cha lokasyakartakarayata cha sah (Id. 11), 'he carefully preserves and maintains *lok-maryada*', constitutional conventions.

Hildebrandt in his book *Christian Ethics*, selects illustrative virtues from the saints of Christianity.

Valmiki selects this list from political leaders, rulers and administrators. This is natural. Political power by radiation infuses the virtues or the vices of the Ruler among the far-flung corners of the state. Every student of planned economy and politics will remember President F. D. Roosevelt, and recall how beginning with strong opposition it resulted in meek submission to his policy. So long as there were British administrators in India there was a high standard of imitative morality. It was not a rooted political virtue. When opposition ceased, national energy was wasted in fighting among themselves, and it is this narrow view that Pandit Jawaharlal Nehru would like to remove.

According to the *Ramayana* there is little physical differentia between man and rakshas. Firstly, there were intermarriages between them; secondly, even Sita with her intelligence could not discover the rakshas Ravan when he appeared disguised as a sanyasi, there was thus no particular mark; thirdly, Sita again is unable to find any distinction between vanar Hanuman and rakshas Ravan in Sundar; fourthly, Vajradanashatra advises Ravan to send some Rakshasa to the camp of Ram in disguise with the purpose of attacking them (Yuddha VIII. 13. 15.), this could only be possible if the two were physically identifiable otherwise. Fifthly, during the war the order was given that Ram, Laxman, Vibhishan and his four Raxas companions only shall fight as men, the rest shall fight as vanars. There is then no distinctive physical feature among the Raxasas and the Arya, and among the Raxasas and the Vanars, and the Arya and the Vanars. The Police, the Military,

the Armed Constabulary, the Excise, and the Electricity Dept. servants can be discerned from their uniform. The Fire service can be known at sight. But there is no physical monstrosity among any one. Nor are they of any distinct race. Similarly the difference of race did not exist among these. This is made clearer by the observation report of Hanuman when he goes about to the palaces of Ravan and sees his queens in Sunder (IX.). Among them no distinction could be made, either in form and features or dress and ornaments (Id. 48, 66). Arya Sita could be among them was the thought Hanuman had, the most intelligent being of the time could believe that an Arya and a Raxasi could be of the same external characteristics is very strong evidence. Neither colour nor any other racial feature could be distinctive. According to Sunder (IX. 68-69) Ravan attracted innumerable women of all classes of men. Love and marital union is possible only among the same genus and species. Speaking of Mandodari in (Id. X. 50-53) Hanuman takes her to be Sita. We know that Ravan's sister Shurpanakha wanted to have marital connections with Ram and Laxman, and this was the origin of the tragic story.

The sixth and last argument is decisive. In Vanardesha, the Vanar were naturally in the majority, in Raxasdesha the Raxasas predominated. But when some of them went with the victorious Ram to Ayodhya, they were in a negligible minority. Had there been any physical difference among them they would be particularly observed by the majority of the Arya in Ayodhya. Ram gives his own palace to Sugriva (Yuddha CXXVIII. 45). Sugriva along

with the four sons of Dasharath are classified as Ram-panchayatana. How could that be if vanars were not human beings if they were not Arya?

The theory of race differences is thus a myth.

That Hanuman was right in seeking Sita among the Raxasi women is further made clear by his statement that one has to be searched in its kind? स्त्रियो हि स्त्रीषु दृश्यन्ते *Striyo hi streeshu drashyante*. Women should be sought among Women. न शक्यं प्रमदा नष्टा मृगीषु परिमार्गितुम् । *na shakyaṃ pramada nashta mrigishu parimargitum*. A lost woman should not be searched among the deer, (Sunder XI. 44-45). If any difference could be discernible among the vanars it is that of the language. In Sunder (XXX. 17-19) Hanuman is considering how to address Sita and ultimately resolves to speak in ordinary common vehicle of thought. Among the Raksasas the language used was Sanskrit. Ravan used Sanskrit very fluently. Then Hanuman uses the ordinary speech. Language is thus the distinctive feature. From the dawn of history language is then a dividing line. The curse of Babel still persists.

Mrs. Annie Besant is of the view that the vanars were the human race but of giant stature. I said before that their peculiarities may not be noticeable in Kishkindha or Lanka, but they would be noticed at Ayodhya. But there is nothing to show that they were in any manner physically distinct from the Arya. There is no mention of the vanaras either in Ved, or in the *Brahmanani* or the Upanishads. The vanars, then were certainly a later development, if they did not come from outside. The Valmiki

Ramayana tells us that they were the descendants of devatas—therefore they were Arya.

(13) THE TEXT OF VALMIKI.

Another important question coupled with the above is the careful consideration of the text of Valmiki. No one systematically arranged the text of the original *Ramayan*. It is admitted on all hands that layers of different types are discernible in the existing *Ramayan*. Any gardener is able to know which plant is older, which later accretion, but if he is asked to assign reasons, he may fail miserably. Sometimes for his inability to give a convincing reason he may be taken to have been unreasonable. But the reason must still be given. If his reason is basically wrong his conclusion must fall. Manu is the originator of the Ikshavakus. The *Manusmriti* is the authority followed by Valmiki in his book. It is of interest to know how Manu and Valmiki fared at the hands of their critics, and these illustrations will emphasise the need for care, and clarity of thought.

There are four editions of Manu prepared by responsible Arya Samajists whose learning and veracity cannot be called in question. And yet the results arrived at by them are not uniform or correct. These names deserve to be recorded. Mahatma Munshiram, who is better known as a sanyasi by his name Swami Sharddhanand Saraswati, Pandit Tulsi Ramaswami of Meruth, Pandit Chandramani Vidyalankar, Paliratna, author of a well known commentary on the *Nirukta* of Yaskcharya, and formerly lecturer at Gurukul Kangri University, and Shri Gangaprasad Upadhyaya, M.A., Mangalprasad Prizeman, and well-known author. There is a learned commentary

on Manu in nine volumes by Bhimsenji of Etawah, who was an Arya-Samajist, and later left that body.

Coming to Valmiki it will be noticed that both Ram and Krishna are respected equally by the Samaj and yet while there is a very remarkable Hindi book *Yogeshwar Krishna* by Prof. Chamupati, M.A., late Principal of Gurukul University, there is little about Ram on the same lines. Prof. Ramdev, M.A., late Principal, Gurukul University, devoted some space in his History, *Bharat-varsh ka Itihas*, but he discussed only two questions: that the Uttarkand is later accretion, that the use of the word vishnu in Valmiki is sure sign of the passage being spurious. He did not consider the shlokas in detail, neither did he examine the various meanings of the word Vishnu, nor did he see the context.

So far as Manu is concerned the best course to adopt is to take each shlok, and find the Vedic text on which it is based. If one is traced it is certain that it is the text of Manu. Even if the text is not based on an express text of Ved, but is not opposed to the principles the text may be of Manu. Then the context, relevance, language and finally the examination of the text by various commentators, or citation by other writers may be noticed, Manu is often followed by Narad. An examination of Narad is therefore important. This task so difficult and tedious must yet be undertaken. I am doing the work slowly but step by step, surely. Manu is the most important of Indian jurists and the first law-giver of the world. Even in its extant editions it is

superior to most of the books on Roman Law, and decidedly far in advance of them. Manu is well-known for his logical approach. Once the text is finalised it will be a great asset. It will throw a flood of light on the whole body of our literature, sacred, secular, individual and social duties, and the moral and legal codes of India.

In preparing an edition of Valmiki much difficulty would be experienced. It was originally a book on political science, written in verse. From about 500 B. C. it began to change its shape, and became a religious book, and additions and accretions multiplied to make life more and more easy, and as the additions were made at different periods, and by men with differing capacities, it becomes an increasingly difficult task to separate them. The attitude of the faithful, and the indiscriminating becomes still more embarrassing. To give a few illustrations: In the *Ram-charit-manas* of Tulsi people fondly eliminate as spurious all passages that do not contain the *rakar*, *akar* and/or *makar*. They believe that Tulsi has used every ordinary Hindi word with this peculiarity, that it contains one of the three component letters of the name of Ram. Shri Santangopalacharya believes that Valmiki composed the *Ramayan* of 24,000 shlok, and of the 24 letters of the Gaitri Mantra, each is used at the beginning of a group of 1000 shlok; this means excising a large number of shlok, and yet it is not the original text of Valmiki that resultingly one obtains.

The passages that after years of study discussion and deep consideration seem to me to be spurious

are given below. May I invite the attention of the learned to help finalising the text?

The references are to the Swadhyaya Mandal edition of Shri Satwalekar.

(1) Bal. (II. 19-38), (42), (43); (III. fourth pad of 39, 40); (IV. last word in 2, 3-4), (V. 1-4); (IX-XII); (XIV. 33-38); (XV. 15-34); (XVI. 1-25); (XVI. 32); (XVII. 1-3); (XXIII. 7-15); (XXIV. 6-11, 18-23); (XXV. 1-14); (XXIX. 1-22); (XXXV. 10-22); (XXXVI. XLV. 1-9); (XLV. 14-XLVII. upto and including first half of 10); (XLVIII. 11, to the end), upto the end of forty-ninth Sarg. (LI. 16-LXV. 30).

(2) Ayodhya (XXV. 11) the first word skandashcha should be skannashcha; (LII. 82-92; 102); (LIV. 31); (LV. 2-9; 19-21); (24 to first half of 27); (LVI. 21-33); (LXIII. 11-LXIV. 60); (XCI. 11-84); (XCVI. the whole of it); (XCVII. 1 second half-first half of third); (CIV. 17-34); (CV. 8-first half of 16); (C.VIII. 10-14); (CXI. 7-33); (CXIX. 28-33).

(3) Aranya (IV. 13-26); (V. 4-VI. 5); (VII. 10-14); (XI. 12-20, 56-68); (XXXV. 31-36); (XLIV. 27); (XLVII. 23); (L. 20 first word); (LVII the whole of it); (LXIX. 32-36).

(4) Sunder (XXXVIII. 11-37); (XL 4-5); (LXVII. 2-18).

(5) Yuddha (LXI); (XCIII. 37-38); (CXI. 9-15); (CXVII. 2-CXVIII. 1); (CXIX); (CXX. 3-23); (CXXVIII. 95).

Dr. Raguvir was editing a text of the *Ramayana* and should normally have brought it out by now. But political upheavels in the country upset his life a decade ago.

Valmiki speaks of five hundred sarg in his book, divided into six kand. That is also the confirmed figure of kand by external and internal evidence. Prof. Ramdev examines in detail the question of the validity of the existing seventh kand. That need not be reproduced. Suffice it to say that the Yuddha kand is the end of the book. Had the book been in any way spread over any seventh kand one would suppose the author could give the numbers of the sarg of that kand too; unless it is proved that he did not know calculation beyond five hundred. The addition made later in Bal. (IV. 2) is so clear an interpolation that it cannot be swallowed by any critical reader. In the existing six kands there are five hundred thirty-six sarg. Evidently these thirty-six sarg are later additions. As per list given above twenty four complete sarg are clearly interpolations, then there are stray shlokas. It appears that the whole story of Viradh is an interpolation. This must be carefully examined. The burial of Viradh at his request is shown to be more meritorious to Raxasas. If so why were the other Raxasas cremated, did not this occur to Ram and Laxman, although none might have desired to be buried? Why did it not occur to their relatives? Valmiki did his best to preserve the purity of the text by giving the contents of the book some three or four times, at various places. But perverted faith is responsible for more heinous offences than mere excising passages or addition to the existing text. The

history of every religion is a history of this sad mental aberration.

Bal. (IV. 1-4) are certainly not from the original author. He would hardly call himself Bhagwan Rishi (IV. 1). Valmiki is so meek, that he does not give his father's name, his gotra, his residence, which the later poets indicate in their writings. He wants Ram to reach every hamlet, in verse and song, but keeps himself away from the gaze of the hearer and reader. The book is intended for singing. It has to teach *suhrad-bhed*, *mitra-labh*, *vigraha*, and *sandhi*, it has to convey as sweetly as possible the message of love, of self-abnegation, of dharma, of raj-dharm, of ethics, economics, sociology and history. He does not preach, he places a few human models, for you to copy. He gives three distinct types—*Satwik*, *Rajasic* and *Tamasic*. You have to make the choice. He places them side by side, and does not even say: यथेच्छसि तथा कुरु *Yathechhasi tatha kuru* (Gita XVIII. 63).

The discriminating reader will perceive that there were innumerable models before Vyas, but none existed for Valmiki. He had to do his own planning and to execute that plan. It is said

सर्वोपनिषदो गावो दोग्धा गोपालनन्दनः

Sarvopanishado gavo dogdha Gopalnandanah; 'all the Upanishads are the cows, and the milkman that milks them is Gopal, the protector of Earth and of cows and of languages'. As Shripad Damodar Satwalekar notes in his preface, the *Ramayan* is, according to the author, 'Vedaishch sammitam' (Bal. I. 98) in complete accord with Ved; it is

'dharma' (Yuddha CXXVIII. 105) indicating the varnashram dharma; 'shubham' (Id. 121) beneficial to all; and 'mahartham' (Id. 121) conveying a variety of meanings, or teaching the great science of Arthshastra. It is definitely based on Ved and is deeply influenced by the *Taittiriya Shakha*. It is not to be read in the privacy of a room, but to be heard set to music (Yuddha CXXVIII. 122), etc. Its political teaching is in conformity with that of Ved and the *Brahmanani*. It is deeply influenced by the democratic set up voiced by the *Shatpatha* against absolutism. It shows deep acquaintance of the rule of Ved नि षसाद धृतव्रतो वरुणः (ऋ० २।२५।१०) 'Nishasaddhratvratovarunah'.....as understood in the *Aitreya* (VIII). Valmiki is steeped in the tradition of the truth as understood there (Id. I. 2) *satya-sanhita vai deva*, and while the Himalaya is preeminent in height and continuity of mountainous chain in the physical world, he makes Ram preeminently high in the moral principle and its sustained application in truth and justice,

स्थितः स्वधर्मे हिमवानिवाचलः। Id. १।३।७०
sthitah swadharma himvan-ivachal, (Ayodhya CXIII. 30), सत्येस्थिता *satye sthita* (Bal. I. 19), etc.
One does not become a samrat by bringing some other rulers under his sway but by being equally disposed in justice towards all,

तद्यत् सम्राजति तस्मात्सम्राट्
 तत् सम्राजस्य सम्राट्त्वं (गोपथ पू० ५।१३)

tadyat samrajati tasmad samrat tat-samrajasya Samratatwam (Gopath P. V. 13).

The loyalty of the learned was due not to the person of the ruler but to his obedience to law, सोमोऽस्माकं ब्राह्मणानां राजेति *somoasmakam brahmananam rajaiti* (Shatpath V. 3. 3. 12 and V. 4. 2. 3). Every breach of law made one liable to punishment of the king (Taittiriya I. 7. 2. 6). See also (Shatpath V. 3. 3. 9) The sole object of the political organisation is the weal of the people (Shatpath V. 2. 1. 25). Good government is the sole religious duty of the ruler, he need perform little else, राज्य एव राजसूयम्। *rajya aiv rajsuyam* (Shatpath V. 1. 1. 12).

You would have heard the definition of democracy by President Abraham Lincoln. The government of the people, by the people, for the people does not require the conduct of the government by the best of the people. Now I shall give you a small list of the requisite qualities of a ruler. He must be the protector of law, *Ritpa* (Rig. VII. 20. 6); the enforcement of law must be his one concern, *Ritavradha* (Rig. VI. 59. 4) (VII. 82. 10), (VII. 83. 10); *Ritawa* (Rig. III. 53. 8); *Ritish* (Rig. VIII. 45. 35), (VIII. 68. 1), (VIII. 88. 1); indeed he becomes *Ritam* (Rig. IV. 23. 8-10), (VIII. 6. 10); he is the *ganpati*, the leader of the people (Rig. X. 112. 9); protector of the country, *gopati*, its language and culture (Rig. I. 101. 4); etc., he should be the best, *nrata* (Rig. III. 32. 22); (III. 50. 5); (X. 89. 18); (IV. 25. 4); (VI. 33. 3); (VII. 19. 10); he must be *dharmkrit* (VIII. 98. 1); he must fully protect the learned (VIII. 93. 33); he must be strict controller and yet the friend of the people (VIII. 17. 14); (VIII. 24. 22); when necessity arises he must use *dand* or punishment or force, he alone is *vajra*.

bahu (I. 32. 15) etc., and *Vajrahast* (I. 173. 10) etc., and *vajri* (I. 7. 2, 5, 7) etc., for he is the protector par excellence, *raja* (I. 63. 7), (VIII. 95. 3) etc., etc., the ruler should be learned, *vidwan* (I. 103. 3) etc., etc., brave warrior, *vir* (I. 30. 5) etc. etc. The ruler is the embodiment of law, *vrashabh* (I. 9. 4) etc., etc., he is the truth, *satya*, the protector of truth and justice, *satpati* (I. 29. 1), (I. 11. 1) etc. (*satyadharma* (Yaju XII. 26); *satyasatwan* (VI. 31. 5), *satyasasunoo* (VIII. 69. 4) etc. etc.; he ought to be *shachipati*, the husband of power of the state (IV. 30. 17), (X. 24. 2), (Atharv VI. 82. 3) etc. etc., he is *shiva*, the benefactor (II. 20. 3), (VI. 45. 17), (VIII. 63. 4), (VIII. 93. 3); he is the highest benefactor, *shivtama* (VIII. 96. 10).

The object of appointing a chief magistrate of the state is stated in the *Aitraya* (I. 7), as *jantayo kalpte*. See also the coronation oath in *Aitraya* (VIII. 15). As long as he is the *raja* he cannot be physically punished (Shatpath V. 4. 4. 7), but that he can be punished by fine (Manu VIII. 336 and Arthashastra (IV. 13. 58). He may be dethroned for any heinous offence or neglect of duty, and then also punished suitably. राज्यान्तेनरकम् ध्रुवम् । *Rajyante narkam dhruvam*.

A ruler such as this can pray with a clear conscience: पृथिवि मातर्मा मा हिंसीर्मोऽहन्त्वामिति । *Prithivi matarmma ma hinsirmo ahantwamiti* (Shatpath (V. 4. 3. 20), (Yaju X. 23); and what is more he can say न हि माता पुत्रं हिनस्ति न पुत्रो मातरम् । *na hi mata putram hinasti na putro mataram* (Shatpath Id.) This may be compared with Atharv (XX.), just as the mother does not butcher her child, and the child does not

harm the mother, so also the people may not harm the ruler, and the ruler may not harm the people.

That a *raja* is elected is evident from Rig. (X. 124. 8), Atharv (VIII. 4. 2) and (III. 6. 7) and innumerable hymns. The people always dread (*bibhat-suvo*) the ill consequences of a wrong election, and the election of a wrong man. Friends ask me how did it come about that the people of Ayodhya proved to be so criminally negligent of their duty—when the person elected by them (Ram) was exiled by the caprice of an old father, and another (Bharat) whom they did not like, ruled them and they meekly submitted to all this? Shripad Damodar Satwalekar, Prof. Ramdev and many others tried to seek a reply to this ever recurring question. If you want a reply from Valmiki it is very simple.

You know the difference of a candidate standing on the ticket of various parties. The same person may stand on different tickets. You may remember that Hafiz Md. Ibrahim stood on Muslim League ticket and won in U.P., he resigned and stood on Congress ticket and won again. He is now in the Central Cabinet. Dr. Ambedkar won on Congress ticket and lost when opposing the party. Instances may be multiplied. But in our brief political experience there is no recorded instance of an elected candidate before investiture withdrawing because he has some nobler duty to discharge. Imagine for a moment Dr. S. Radhakrishnan being elected as the President of India, say for 1959, and then being invited by the U.N.O. to undertake the reconciliation of the French and the Tunisians, and accepting that duty, what would be the position? If Dr. Radhakrishnan resigns as the President then there

should be re-election. But instead if an agent is appointed, he may finish his duty of conciliation and enter upon his duty as President later.

That is precisely what Valmiki tells you.

Bharat as a yuvaraj getting his power against the nominee of the people, and getting that power through Kaykayee, was a remote possibility. People opposed him tooth and nail. Vasishtha offered another solution. If the people so willed it they may choose Bharat. But neither Bharat nor the people liked it. Then Bharat tried to bring back Ram. In this he was supported by all. People saw the stand of Ram was correct. He was exonerated. He appointed Bharat for the interval, promising to take over the government after the period of exile. This he did.

The whole educational career and character of Ram was being put to a severe test.

लक्ष्मीश्चन्द्रादपेयाद्वा हिमवान्वा हिमं त्यजेत् ॥
अतीयात्सागरो वेलां न प्रतिज्ञामहं पितुः ॥

Laxmischandradpeyadwa, himvanva himam tyajet, Atiyatsogaro velam, na pritijyamaham pitu (Ayodhya CXIII. 18). 'The Moon may lose her brightness, the Himalayas may become devoid of snow, the ocean may break its bounds, but I may not disobey my father'. Sumantra had said (Id. LII. 1):—

न मन्ये ब्रह्मचर्ये वा स्वधीतो वा फलोदयः।
मार्द्वार्जवयोर्वापि त्वां चेद्व्यसनमागतम् ॥

Id ५२।१७

Na manye brahmacharya va, swadhitova phalodayah,

Mardaavarjavayorvapi twam chedwysanamatam.

'Had you taken to heart the inconvenience to both of them and quietly stayed at home, I should have thought that you lacked both brahmacharya and your education was of no consequence'. Criticism could be no more outspoken in any age or clime.

When I read Thomas Paine's *First Principles of Government*, the passage that struck me most is a sentence in the beginning. 'Every art and science, however imperfectly known at first, has been studied, improved, and brought to what we call perfection by the progressive labours of succeeding generations; but the science of government has stood still'. And I wonder if we have made any advance on Valmiki? Is not the name very remarkably chosen? In any modern language the name of the author may be rendered as 'intellectual fertility'. This fertility is not yet beaten. Again the sentence from Paine at the end of the essay is remarkable:—

'He that would make his own liberty secure must guard even his enemy from oppression'. Therefore in practical politics few can claim a record as clean as that of Ram. To oppose public opinion when that public opinion is favourable to one's physical comfort is a difficult task. Mr. Justice Story in para 1619 of vol. II of his *Commentaries on the U. S. Constitution* says:—

"Few men possess the firmness to resist the torrent of public opinion; or are content to sacrifice present ease and public favour in order to earn the slow rewards of the conscientious

discharge of duty; the sure but distant gratitude of the people; and the severe but enlightened reward of posterity."

(14) THE SAGES IN THE RAMAYANA.

That Ram still lives in our hearts, claiming a high position for his moral qualities is mainly due to the Sages of the times Vasishtha, Vamdev, Vishwamitra, Rishayashrang, Atri, Bharadwaj, Agastya, Suyajya, Jabali, Kashyap, Gautam, Markandaya, Katyayan, Anusooya, and some others named and many more unnamed rishis had their hand in the moulding of the life of the times. Valmiki gives scant notice of the individual life of these people. The little that can be gathered is about their socio-political life and living. Unlike the present day sanyasis, swamis, sadhus, religious mendicants and criminals in that garb, the rishis of the days of Ram are of very high moral order. Without exception they are all highly educated, they know the use of arms, they are abreast of political movements, and the latest news is known to them. Heart and soul they throw their weight on the side of the service of humanity. They are the custodians of the arms of the State.

Naturally evil had no attraction for them. Religion, culture, art and all-embracing love, not confined to this or that race or to humanity merely, but including and embracing all creatures, and even trees and plant life. Their sweet homes and cottages were the centres of learning and scientific research and *adhyatmic* experiments. They held the custody of the latest arms. No use of arms could be made without their consent and handing over of the arms. Whenever any one like Ravan challenged

the society the rishis were there to unite against him. The practical result of their practice, long-standing conventions and traditions was to serve as agents for spreading knowledge, maintaining peace and good-will, controlling the use of force, and, if necessary, uniting to bring a recalcitrant to his knees. Some of this work is being done to-day by international organisations, such as the U. N. O. but without that moral and material strength and backing which the rishis enjoyed. They were not bound by the instructions of their state governments. They acted independently. More often they acted as philosophers, guides and friends. They had no axe to grind.

The first notice that one gets about the rishis is in Bal. (IV. 13) where they are shown as interested in the recitation to music of the *Ramayana* of Valmiki. They like it (Id. 15), and they give various prizes to both Lav and Kush (Id. 19-25). These gifts include kalash, valkal, yajyasutra, kamadal, maunja, brasi, kaupin, kuthara, some gave the pink-coloured cloth of a sanyasi, a loin-cloth, strings to tie the hair, ropes, utensils for yajya, wood, seating mattress made of *audumbar*; some merely praised them, and others blessed them to attain age.

In Bal. (VII. 4) we get to know that Vasishtha and Vamdev were the Purohit of Dasharath. From (VIII. 4-5) it is seen that Dasharath ordered Sumantra to bring all his purohits and Vasishtha. He collected them soon. They were all Vedic scholars. Besides Vasishtha those mentioned by name include Vamdev, Suyajya, Jabali, Kashyap. The king expressed his desire to perform Ashwamedh as pres-

cribed in the shastra, (Id. 9). When they approved the idea, he ordered his ministers to do the needful. An equal number of representatives from among Brahmins, Kshatriya, Vaishya and Sudra, one thousand each were collected. The yajya was completed, and in the recess there were cultural and intellectual programs. The vast gifts of the whole kingdom of Ayodhya, the rishis re-gifted to Dasharath, and of the huge cash grants, they kept a little and gave the rest for educational purposes (see Bal. XIV. 43-52), and themselves remained, as before, in that voluntary poverty which best fitted them for the duties they had chosen to perform.

The next stage comes when the great Brahmarishi Viswamitra goes to Dasharath to ask for Ram, as Vasishtha said clearly, for the benefit of Ram (Bal. XXI. 21). Besides undergoing strict discipline, learning the use of many kinds of new arms, and living the life of a forest-dweller, Ram and Laxman had to watch without rest and sleep for six days and nights the yajya of Vishwamitra and to protect it, (XXX. 5). The rishis were fully satisfied by the achievements of the young princes.

The third stage when these rishi ashrams are met with is after the exile of Ram in Ayodhya (LIV) at Prayagraj on the confluence of Ganga and Yamuna. Bhardwaj is the first rishi they meet. (LIV. 34) records that there were told remarkable stories, but not one is given by Valmiki. Next morning Bhardwaj described Chitrakut and the natural surroundings (Id. 39-43). It was in spring that Chitrakut is described in Ayodhya (LVI). In (CXIII) rishis quietly come and praise the conduct

of both Ram and Bharat, and advised Bharat to allow Ram to do his duty (Id. 5), and then they went away (Id. 7). Fortified with this view of the rishis Ram persevered in his pursuit of dharma, duty. When Bharat returns he meets Bharadwaj and recounts what had happened. Bharadwaj praised Bharat.

नैतच्चित्रं नरव्याघ्रे शीलवृत्तविदांवरे

Naitachitram narvyaghrai sheelvrittavidam vare.
(CXIV. 16).

At Chitrakut the existence of Ram brought the Raxasas there and Khar became a persistent trouble to the rishis. Sita living there was a source of anxiety to the rishis, as they wished to vacate the site. Only a few of the rishis remained with Ram, the rest of them left.

Shortly after Ram left the place and met Atri and his wife Anusooya (CXVIII). This part of the history is recorded in detail in another section, Women of the Ramayana, and may be omitted here.

It is in the Aranya that a very large number of rishi ashrams are met with. Valmiki describes these ashrams as शरण्यं सर्वभूतानां 'sharanyam sarvabhutanam' (Aranya I. 3), the refuge of every creature. They were formed in sanghas or associations of their own. They convey it to Ram that the ruler who exacts taxes and does not protect the people like his children deserves punishment (Id. VI. 11). They complained that they were suffering much at the hands of the raxasas and deserved protection. Ram respectfully promises to protect them. He proposes to them that they should order him and not to make

a request (VI. 22). They all wished Ram well and gave him latest arms, (VIII. 18).

The value of the promise of Ram is brought out in a short conversation between Sita and Ram (Id. IX-X).

The next ten years of the life of Ram, Laxman and Sita are recorded to be spent in company with these rishis (XI. 27). Then they paid their respects to Agastya. Here also they received latest arms, (XII. 32 et sqq). When Ram was facing Khar the rishis came again to witness the fight (Id. XXIII. 26), later more rishis joined them and all of them, from the great rishi Vishwamitra down to these visitors at the battle-field reminded Ram of his duty to the learned and the people (Id. XXIII. 27, XXIV. 21). Indeed from the text of Atharv (I. 6. XXIV. 21). Indeed from the text of Atharv (I. 6. I.) to Apo-Devi through the *Taittiriya* (I. 2. 1. I.) and the days of Acharya Sayana in the reign of Vir Bukka, the people were styled as dev or jan-devta, or apo-devi. The *Taittiriya* (I. 1. 3. 8) underlined the fact of protection in metaphor: *apo varunasya patnaya asan*; 'the people must be protected by rulers' being wives of varuna, the preventive force. The Brihaspati Sutra lays down the rule of law: *Dharmamapi lokvikrushtam na kuryat* (I. 4); 'even right thing should not be done if people are definitely against it'; and again *jan-ghoshe sati kshudrakarma na kuryat* (I. 95) if popular clamour is aroused even smallest undertaking should be given up. Valmiki has many nice passages on this aspect, one such being in Ayodhya (XLVI. 23) and a second one in Aranya (XXIX. 3 and 4):

उद्वेजनीयो भूतानां नृशंसः पापकर्मकृत् ।
त्रायाणामपि लोकानामीश्वरोऽपि न तिष्ठति ॥
कर्म लोकविरुद्धं तु कुर्वाणं क्षणदाचर ।
तीक्ष्णं सर्वजनो हन्ति सर्पं दुष्टमिवागतम् ॥

अरण्य० २९।३-४

Udvejniyo bhutanam, nrishans, papkarmkrit,
Trayanamapi lokanamishwaropi na tishtathi.
Karm lokvirudhan tu kurvanam kshanadaachar
Teekshanam sarvajano hanti sarpam dushta-
mivagatam.

'As people kill instantaneously a dangerous viper, they remove one that acts against popular will. Any one performing a deed that frightens people, or is uncontrolled and arbitrary, or sinful cannot live even if he is the ruler of the three lokas'.

Rig. (X. 33. 9) emphasises the same rule of the law of nature:

न देवानामति व्रतं शतात्मा चन जीवति ।

Na devanamati vratam shatatma chan jivati.

It is rendered by Valmiki in Yudha (XLI. 70):—

न हि राज्यमधर्मेण भोक्तुं क्षणमपि त्वया

It is rendered by Valmiki in Yudha (XLI. 70).—

अद्य जीवानिमाश्वः adya jivani mashwa (Atharv V. 18. 2). It is described in its effect in the Brahmjaya Sukta (Id V. 17. 4) विदुनोति राष्ट्रं vi dunoti rashtram and Brahmjaya Sukta (Id. V. 18. 4) as: विदुनोति सर्वम् vi dunoti sarvam, i.e. it burns everything.

When Ram succeeded against Khar and the rest of his companions, the learned came (Aranya XXX. 29-32) and praised him and said he looks like the sun: विष्णोरिव हि दृश्यते । Vishnoriv hi drashyate

At the most critical time during the war Rishi Agastya comes (Yuddha CV. 2) to Ram to do to him what Krishna in the *Mahabharat* had long after to do to Arjuna and teach him the underlying idea of all human activity: what H. G. Wells called creative urgency. This was the "awareness of his potential infinity",—(Paul Tillich) or as another put the same idea "The context of man is the Power greater than man. The human adventure is part of a universal sonnet—one line in a deathless poem",—(Joshua Loth Leibman). Probably the finest description of the lesson given by Agastya in Ayodhya (CV.) would be in the words of Soren Keirkengaard "to tear the will away from all finite aims and conditions".

It is impossible to give the whole of the sarg in extenso. Shlok, (Id. 6, 21, 23, 26)

पूजयस्व विवस्वन्तं भास्करं भुवनेश्वरम् ।

सर्वदेवात्मको ह्येष तेजस्वी रश्मिभावनः ॥

तप्तचामीकराभाय हरये विश्वकर्मणे ।

नमस्तमोऽभिनिघ्नाय रुचये लोकसाक्षिणे ॥

एषु सुप्तेषु जागर्ति भूतेषु परिनिष्ठितः ।

एष चैवाग्निहोत्रं च फलं चैवाग्निहोत्रणाम् ॥

पूजयस्वैनमेकाग्रो देवं देवं जगत्पतिम् ।

and a perusal of the whole of it leaves no doubt that it is meant to concentrate the mind of Ram on the

unity of universal Power, and the unity of purpose underlying the Creation. Further it is said to impress the lesson that it is He who destroys or creates:

नाशयत्येष वै भूतं तमेव सृजति प्रभुः ।

Nashayatyesh vai bhutam, tamev srajati prabhu (Id. 22). The result on the mind of Ram is given in (Id. 29, 30). The whole universe seemed to him to beckon to fight and victory, (Id. 31).

It will be noticed the rishis exercised a power benevolent and directive in its urge, and very deep in its effect. Those that know the path have duty cast on them to show it to those that do not know and would be benefitted by the knowledge: Rig. (IX. 70. 9) and (X. 32. 7). The learned are the protectors of the kingdom:—

उत कण्वं नृषदः पुत्रमाहुः ऋ० १०।३।११

(Rig. X. 31. 11.). The aim of government being protection of the governed like a strong fence protecting a tree (उरवस्तरुत्राः) (Uravastarutra—Rig. VIII. 16. 4). That the word Aditya does not mean the sun in the Aditya-hridaya taught by Agastya to Ram may be clear from Rig. (VIII. 18). It is simultaneously a lesson in public administration, a lesson in *adhyatma*, and the description of the rule of moral law. These Sages and Seers laid the world under a deep debt of gratitude, and guided Ram, and showed a path to the succeeding generations if they wish to be so guided. Otherwise the relentless law of nature prevails.

But democracy presupposes two conditions, viz. Education—Literary, Political and Moral; and Self-control, the eradication of *dwesh*. Whatever the label of Government, vigilance is the price of liberty. These characteristics existed in the people of Ayodhya. Every adult citizen exercised his political *dharma*, duties in consonance with law. The *rishis* typified the highest standard and naturally highest obligations, very onerous duties pertained to them. In this connection the article *Art of Governance in Ancient India* (1956) S. C. J. 19 may be read with interest.

In Ved the two words *sat* and *satya* with their forms and compounds seem to occupy largest numerical value. According to the *Shatpath* (XIV. 4. 2. 26) and the *Brihadaranyak* (I. 4. 9) the two words *satya* and *dharma* are synonymous. Truth and Duty are therefore the basic concepts of any organised society. Rig. (II. 23. 17) lays down some other conditions.

1. The Almighty created the learned,
2. He collected all that is best in His creation to form him,
3. He endowed the learned with vision,
4. The learned, the protector of language, is habitually doing good and laying the people under a deep debt,
5. by his kindness he kills all *droha* (animosity),
6. and he is the greater protector of truth and justice (*Rit*).

The word *rit* is explained by Dr. A. C. Das in his book *Call of the Vedas* with a clarity remarkable

for its brevity, covering pages 42-55. Even if I desired to copy this out for you I could not do it under the law. Therefore I am giving you the substance of his conclusions.

- (a) In its ethical aspect *rit* means moral values, and *anrit* is perversion of moral values.
- (b) It means Cosmic Order.
- (c) In its aesthetic aspect *rit* gives symmetry and harmony.
- (d) In *yajya rit* means rite, here it is eternally changing (Rig. 1. 105. 15).
- (e) It also means Social Order. The *kshatriya* is not only a protector, but, being a defender, is also a fighter.
- (f) *Rit* is the doctrine of Karma: a man must reap as he sows.
- (g) *Rit* also means moral-political interest. To this list may be added the meanings as given by Yaskacharya.
- (h) *Rit* and *Ritasyayoni* mean *udak*, all pervading or water (Nighantu I. 12), (II. 25).
- (i) *Rit* means *satya* (Nighantu III. 10).
- (j) *Rita* means both *yajya* and *yajya shakat* (Nirukta VI. 22).

The word is also explained in the *Brahmanani*.

Rig. (II. 28. 4) lays down the rule of law. (1) It is the Divine Providence the giver of life, light and order, that gave us the law. (2) This law is all-embracing. (3) The law is uniform, and not relaxable in any case, it is present every-where, controlling every situation.

प्र सीमादित्यो असृजद्विधर्ता
ऋतं सिन्धवो वरुणस्य यन्ति ।
नश्राम्यन्ति न विमुचन्त्येते
वयो न पप्तू रघुया परिज्मन् ॥

ऋ० २।२८।४

Pra simadityo asrajatvidharta,

ritam sindhavo varunasya yanti

Na shramyanti na vimuchantye,

vayo na paptu raghuya parijman.

See also Atharv (V. 11. 3).

The essence of all this is briefly stated in (Atharv VII. 83. 2) आपो अघ्न्या इति *apo aghnya iti*, the people should not be oppressed, depressed, suppressed, or any injury inflicted in any way.

From my childhood, over many decades, I asked various people in different states, of different schools of thought, how was it that not one rishi is traceable in Lanka, to advice Ravan, to guide him and help him? How is it that not one rishi lends any arms to Dashanan? While Bharadwaj, Atri, Agastya, and a host of others help, guide, and comfort Ram, very many give arms of the most modern and potent type. Agastya comes down to the battle-field to give a philosophic sermon to Ram, not one soul, for love or for money, is there to extend a hand to Ravan? I seem to get some reply. How far I understand correctly the message of the rishis it is for scholars and pandits to examine. The *Shatpath* (I. 1. 4. 6), (I. 2. 1. 8), (I. 3. 4. 13) emphatically lays down the rule that the learned have to oppose and destroy the evil-doers: *brahmano hi rakshasamapahanta*.

This is a legal and moral responsibility. It cannot be shelved. Then there is yet another aspect. *Arya sarvasya brahmano mukham* (Id. III. 9. 1. 14), see also *Tandya* (VI. 1. 6) *brahmano manusyanam* (*mukham*). The learned voice the feelings of the masses. They shall not help any one against the wishes, just and legal, of the people. *Tasmadbrahmanam prathamam yantam itare trayo varna paschadadanuyanti*. (Id. VI. 4. 4. 13). The learned lead the masses, the Ruler, the administrators, the army; the trade and commerce; and the labour follow the learned. The people of Lanka were not heartily behind Ravan. His deeds had alienated the masses and driven out the learned. That Ravan aligned himself openly against the learned is clear from Valmiki. The result was a foregone conclusion:

ये सहस्रमराजन्नासन् दशशता उत ।
ते ब्राह्मणस्य गां जग्ध्वा वैतहव्याः पराभवन ॥

अथर्व. ५।१८।१०

Ye sahasramarajanasan dashashata uta

Te bramhanasya gam jagdhwa vaitahavya parabhavan (Atharv V. 18. 10).

For a correct meaning of this hymn one must go to Acharya Dev Sharma Abhaya, *Brahman-ki-Gau*, a commentary on the Brahma-Gavi Sukta, for a correct understanding and appraisal of Indian Polity, based on the rule. ब्रह्म वाऽऋतं *Brahma va Ritam* (*Shatpatha* IV. 1. 4. 10) of identification of law and Divinity, Rig. (IV. 40. 5), Yaju (X. 24), (XII. 14).

(15) RE-HABILITATION OF THE VANQUISHED.

Ritmev parameshthi, Ritam natyaiti kinchanah,
Rite samudra ahita, Rite bhumiriyam shritah.
(*Taittiriya* I. 5. 5. 1).

Ritenaivainam swargam lokam gamayanti (*Tandya* XVIII. 2.9).

The Atharv lays down the fundamental rule of law (IV. 3. 7) "1. when brought under the rule of law, there should be no control, 2. but the control should continue if not so brought under the control of law, that is the inviolable rule sanctioned by the executive and the judiciary".—(1954 S.C.J. 85 @ page 96 Journal section). It will be noticed that Ram secured two victories—against Bali and against Ravan. The first was a dual between Sugriva and Bali, and on the death of Bali, Sugriva naturally succeeded him. There was the minimum bloodshed, and except for Tara and Angad, the widow and the son, no one felt the loss. Sugriva for a time grieved, but his grief was soon forgotten in cups of wine and pleasures of the senses. The masses felt relieved on the death of Bali. Every one felt relieved and heartily welcomed the change. Angad was not satisfied and rightly felt that his elevation as Yuvaraj was due to Ram (Kishkindha LIII. 18 read with XXVI. 38 and XVIII. 66). Normally people regard this as the first war Ram had to wage. Bali at first so regarded it. His charge against Ram is very simple. "Ram is born in the Raghukul, he is very meticulous in the discharge of duty, this is what people report about you (XVII. 28). Ram is a man of character, Ram is kind, he is deeply concerned in

the good of the people... (XVII. 17-18); when I saw you I thought you will not meddle with me while I am fighting another (Id. 21). I committed no offence in your territorial jurisdiction or against your person. I am a Vanar enjoying the wild life (Id. 24); नृपाः कामवृत्तयः *na nrapa kam vrittaya*, rulers should not be led by merely their sweet will (Id. 32). If you have any reply to make you may think of it. (Id. 33).

Ram gave a detailed reply, that his conduct may not become, by wrong interpretation, an unjust precedent. "Without knowing dharm (duty), artha (rules and traditions in the governance of a people—see the definition of the *Arthasastra*), and the meaning of sweet will (kam, vide XVII. 32), and the verdict of the people, how do you make out a charge against me? You should have consulted old and experienced jurists among the Vanars, (XVIII. 4-5). Firstly, this is Ikshvaku territory, and subject to the jurisdiction of that state. Bharat is now in charge of the government. He knows fully well dharm, artha and kam, under his orders I and others wander about to see that the law is obeyed, (Id. 6-9). (See also Aranya XXIX. 10) and Ayodhya (CVIII. 17). Secondly, under instructions from Bharat and strictly following the law, we have to deal with each case. Thirdly, you have broken the bonds of law, doing forbidden deeds, devoted to pleasure seeking, and not maintaining the duty of a protector (Kishkindha XVIII. 12). Thirdly, the elder brother is, along with the father and guru treated as *pitar* (in pro patria) and the younger brother is regarded as a son. Now listen why I killed you. You enjoy the wife of your younger brother, breaking the eter-

nal rule. She is equal to your daughter-in-law (Id. up-to 19 and Manu IX. 57 and 63). Hence I convicted and sentenced you to this punishment. Death is the penalty prescribed by the Smritis. (Id. see 19-25). Lastly, Sugriva is bound to me and I gave him my word in the midst of Vanars, to help him in the recovery of his rule and wife. How can I give up my plighted word? If you examine these grounds you will find your punishment just and proper (Id. 26-29). I am fortified in this by the authority of Manu and of my ancestor, Mandhata, who similarly punished a man committing the same heinous offence (Id. 33-34). न वयं स्ववशे स्थिताः We are not left to our sweet will (Id. 36)."

Bali agreed with the conclusions and the reasons given, and spoke about Angad his son and Tara his wife; called Ram त्वं हि गोप्ता च शास्ता च 'twam hi gopta cha shasta cha' (Id. 55), you are both the protector and punisher. He then begged Ram's pardon (Id. 68), in full reconciliation. Hanuman also came forward and tried to pacify Tara (Id. XXI), later Ram himself had to pacify her (Id. XXIV. 42-44), (XXV. 2-11). Ram himself had the obsequies of Bali performed (XXV. 53).

The punishment of Bali had no other effect on the country. Sugriva was crowned King and Angad as Yuvraj. For four months they were to take rest during the monsoons. Every one of the Vanars blessed Ram at the investiture of Sugriva and Angad (XXVI. 40). The lapses which Laxman witnessed in Sugriva were over-come by Sugriva himself when he lived in contact with Ram.

The war against Lanka is a war under the law. The one remarkable feature of this war is that while Manu in extant editions gives to a victor much more latitude, Ram behaved himself with exemplary patience and gave every possible concession to the enemy. Turn, for example, to Manu (VII. 96-97), the later passage particularly refers to 'Vediki Shruti' which I have not been able to trace. To my mind both of them are not legal provisions, but may indicate the later practices of about the time when morality was at its lowest water mark, and law inspired little respect. It clearly seems to be a later addition.

Manu (VII. 197) is the authority for granting protection to Vibhishan (Yuddha XVII. 67), (XVIII. 12-14); (27-28), is based on the authority of Kandu Kandav. So far as the personal rule of Ram is concerned he is for granting protection to even his worst enemy, even Ravan (Id. 33-34). And actually when Ravan was dead, Ram proclaimed a very golden rule: मरणन्तानि वैराणि *Marnantani vairani* (Id. CXI. 100), enmity ends with life; ममाप्येष यथा तव *Mamapyesh yatha tava*, he is as near to me as he is near in blood to you. This was Ram at his best. No text of law required him to rise so high. At his best Ram is higher than the highest. At his worst he has to follow the rule of law, and is thus absolutely detached from the result of his deeds. History does not record so remarkable a carnage as in the war between Ram and Ravan; it cannot show such absolute cessation of all animosity and general fraternisation as among the remaining Raxasas and the victorious Vanars. They heartily took part in the coronation of Vibhishan (CXII. 17), and Sita, who

suffered so much during her detention, ordered Hanuman not to punish a single Raxasi (Id. 42-44).

It is remarkable that the Raxasas that died on the battle-field suffered the consequences of the enmity, the death of Ravan meant full and unconditional amnesty to all. From that moment no drop of blood was shed. Throughout the war not one leaf of property was looted, confiscated or taken from the vanquished as reparation. The victorious army was befriended by all. Nowhere is there any trace of ill-will, of greed, of revenge, of sensuous misbehaviour. The army behaved as one man. The Commander-in-Chief was Ram. Ram required very strict moral code from even non-combatants in his army. The question of re-habilitation, of post war decease and death, of doling aid and assistance did not arise. Vibhishan insisted that Ram, Laxman and Sita may stay there for sometime, and, as they begged to go home to meet Bharat, Vibhishan desiring to do some other service, Ram permitted him to make small present to the Vanars to honour them suitably, for by collecting and presenting it one gains in mutual intercourse (Id. CXII. 8). Vibhishan gave them both cash and jewelry, and suitably honoured them. Ram then ordered that the army be disbanded and may go home (Id. 14). In no war was such a huge army disbanded within a few hours of the victory, either before or after. Both Sugriva and Vibhishan wished to accompany Ram to see his investiture and pay their respects to Kaushalya and come away. They were allowed so to do. (Once more the whole of the country was under one sway). Had there been the slightest discontent either among the Vanars or the Raxasas, could

the two crowned heads leave their charge so soon after the victory? Had the Allied army been disbanded in Germany and France and other fields wherever they stood, would not there have been a rebellion?

The only possible conclusion from these facts as recorded would be that there was utmost, not discipline merely, but love for the great Commander-in-Chief.

(16) WORLD GOVERNMENT (सार्वभौम)

Dr. Zimmer's two remarkable books are entitled *the Art in Indian Asia* and *the Philosophies of India*. The author was born a German and later settled down in U.S.A. Some of his statements are of very doubtful accuracy, but at times there is a queer basis of truth in other statements otherwise not correct. Dr. Zimmer is of the view in the latter book that Philosophy in India was the outcome of the political life of the people. As Indians had the worst experience politically, naturally they turned to philosophy of refuge.

I am afraid his assumption that the political life of India was bad is based on absolutely incorrect data, probably on Miss Katherine Mayo and others. It is much to be regretted that there is no history of the people of India in any modern language. But Von Noer of Germany wrote a book on *Akbar the Great* and this book could have been available to Dr. Zimmer. Dr. Kashiprasad Jayaswal's *Hindu Polity* is a classical book, which is not likely to be forgotten for some time. There are some monographs of value. The *Asthashastra* of Kautilya

Chanakya he could easily get through translation. His own book *Art in Indian Asia* belies his theories. The perfection art attains is possible only when there is political perfection—Dr. Zimmer may not be able to get anything of permanent value in German art during 1933—1945. Art—politics—religion—philosophy—literature indeed every form of expression of human mind is coloured deeply by national security and peace and plenty. In India both *dharma* and *raja vidya* are identical in that *raja vidya* is the *varna dharma* of the Kshatriya. Both are based on Ved, and often important hymns are both *adhirashtra* in content and *adhyatma* in meaning. The hymns in daily use in prayer have a political and a metaphysical lesson. The rules for the governance of a *Samrat*, a world ruler, and of a *Parivrat*, a sanyasi forsaking all to serve all, are derived from the same source. The *yajya* is a concept including both *dharma* and political science.

The great law-giver Manu (XII. 100) says:—

सैनापत्यं च राज्यं च दण्डनेतृत्वमेव च ।
सर्वलोकाधिपत्यं च वेदशास्त्रविद्वद्विद्वत् ॥

The *Arthashastra* (I. Ch. 2 & 3) may also be read.

वेदेन वै देवा असुराणां वित्तं वेद्यमविन्दन्त तद्वेदस्य
वेदत्वम् ॥

And Ananda Teertha on *Vishnu-Tattva-Nirnaya* I. says:—

नेन्द्रियाणि नानुमानं वेदा ह्येवैनं वेदयन्ति । तस्मादाहुर्वेदा
इति पिप्पलाद श्रुतिः ॥

It will thus be observed that in the views of those that know and are authority in the field even to-day in India Ved constitutes the source of knowledge of the following among other fields of knowledge: viz.—

- (1) Command of the army;
- (2) Statesmanship and political science;
- (3) the punishment of the guilty;
- (4) the world-governance;
- (5) the principles of Economics;
- (6) knowledge of the Supreme being who is beyond perception—the ken of senses, and of inference.

Then are certain important features of Vedic teachings regarding political science and *rajya-shastra* which may first be noted.

- (1) The famous hymn

शं नो देवीरभिष्टय आपो भवन्तु पीतये ।
शं योरभि स्रवन्तु नः ॥

occurs as Atharv (I. 6. 1), Rig. (X. 9. 4) and yaju (XXXVI. 12). The subject-matter or *devata* of this hymn is *Apah* (आपः), but the Seer (ऋषि) is different; in Rig. it is Trishira, in Yaju it is Dadhyangatharvana. The subject-matter *आपः* in *adhirashtra* sense means the people, the masses, while in *adhyatma* sense it means the Divine Power. The word *आपः* is in the feminine gender, hence the the prayer is:—

- (1) May the power of the people be utilised—
- (2) अभिष्टये for self-realisation, self-fulfilment—
- (3) पीतये full satisfaction, full satiation;
- (4) of all the people;
- (5) may there be a drizzle of peace all round us all.

It will thus be observed that while on *adhyatma* side the centre is the Almighty Power, on the *adhi-rashtra* side it is the people that are the centre of power. Further that it is the good of all that ought to be achieved not merely this or that class, caste, creed or political party—without distinction of views and loyalties जनराज्याय (*Aiteraya Br.* I. 7. 6. 7). Read all the hymns of which the subject-matter is आपः Only a few could be listed here:—

Rig. (VII. 47), (VII. 49), Atharv (I. 6).

(2) As I said in the *Principles of Dharmashastra* pp. 14-17 both inclusive, “The idea of यज्ञ *yajya* permeates the whole teaching of the Ved. The theory started by Ved is that human life is in itself a *yajya* and at the same time it is a (हवि) Havi for that grand *yajya* that is going on in the universe Rig. (X. 90. 6). All human duties and obligations are based on this one fundamental conception.” The whole account should be read in full.

(3) Of the most important hymns dealing with the subject of political science and constitutional law only a very few may be mentioned here.

- (a) Rig. (I. 80);
- (b) Rig. (VIII. 14); (VIII. 15); (VIII. 16); (VIII. 17); (VIII. 32); (VIII. 54); (VIII. 61); (VIII. 62); (VIII. 63); (VIII. 93); (VIII. 95); (VIII. 96).
- (c) Rig. (X. 27); (X. 34); (X. 60); (X. 94. 11); (X. 124. 8); (X. 170); (X. 173); (X. 174).
- (d) Yaju (IX. 22) (read also the *Shatpath* V. 2. 1. 25); (IX. 40); (X. 1. etc.) (X. 15); (XXIII.) (XXXII. 8); and many more;
- (e) Atharv (XII. 1); (III. 1); (III. 2); (III. 3); (III. 4); (III. 5); (III. 6. 7); (III. 8); (III. 19); (IV. 3. 7); (IV. 8); (IV. 22); (V. 17); (V. 18); (V. 19); (VI. 32-41); (VI. 128); (VII. 103-109); (VII. 115); (XI. 9); (XI. 10); (XII. 5); (XV. 8-9).

The main teachings may be summarised.

शकधूमं नक्षत्राणि यद् राजानामकुर्वत ।
भद्राहमस्मै प्रयच्छन्निदं राष्ट्रमसादिति ॥

When there is (न+क्षत्र) anarchy, the (नक्षत्र) stars elect (शक+धू) one who has power to frighten the enemy (शकधूम) the moon. Similarly people elect a protector (Atharv VI. 128).

यत् संयमो न वि यमो वि यमो मन्त्र संयमः ।
इन्द्रजा सोमजा आथर्वणमसिऽव्याघ्रजम्भनम् ॥

If there is want of self-control, then external control is needed; but when there is self-control the external control is not needed, that is the eternal rule recognised by the executive and the judiciary (Atharv IV. 3. 7).

That the *raja* or protector is to be elected and re-elected by the people is provided for in many hymns and may be read in the light of the *Shatpath* and the *Taittiriya*. त्वां विशो वृणतां राज्याय

(Atharv III. 4.2); इन्द्रं वृणाना (Atharv XII. 1. 37); (Atharv VI. 128) cited above; राजा

राष्ट्रानाम् पेशो नदीनामनुत्तमस्मै क्षत्रं विश्वायु (Rig. VII. 34. 11) the protector who keeps united peoples of different interests as the ocean unites the waters of various rivers enjoys his power undisturbed till old age (Shri Bhumanand Saraswati may be read); and Rig. (X. 124. 8); Rig. (X. 173); Atharv (III. 4. 1); (III. 4. 7); (III. 5. 6 to 7); (III. 6. 7); (IV. 8. 4); *Yaju* (XXVI. 3) many, many more lay down the rule. This subject is itself of interest and sufficiently vast to require a separate treatment.

What is more important is the fact that people must be themselves associated in the day to day governance of the land: in the army (Atharv XV. 9. 3), in the *Samiti*—the political and administrative field, and in the *Sabha*—the administration of Justice (Atharv VII. 12. 1). The people must have full control (Atharv X. 7. 31) and (Rig. V. 66. 6).

The taxes should be fixed—1/16 of the disposable income (Atharv III. 29. 1) so that there may be no

conflict at any time. No one is liable to pay tax unless he receives immunity (Atharv XII. 1. 62) read with Rig. (X. 173. 6). See also *Arthashastra* (II. 9. 17-21).

The rulers should bear in mind that their power and authority depends on the goodwill of the people and by controlling freedom of speech it is soon lost (Atharv V. 18. 1 & 2 Brahmagavi Sukta); or by Sexual indulgence (Atharv V. 17. 12 et sqq Brahm-Jaya Sukta).

The most remarkable rule of Constitutional importance is the one that lays down that the protector is a servant of the people—this is provided for at many places, but particularly in Atharv (XIX. 37.

3) राष्ट्र भृत्याय and in the inaugural ceremony as detailed in *Yaju* and explained in the *Shatpath* and the coronation oath in the *Aitreya* (VIII. 15) it is emphasised again and again. He is to take care to follow the *dharma*:

ऋतावान नि षेदतुः साम्राज्याय सुक्रतू ।

धतव्रता क्षत्रिया क्षत्रमाशतुः ॥ (Rig. VIII. 25. 8)

ऋतावृध ऋतावाना जनेजने ॥ (Rig. V. 65. 2)

He is to be the protector of Justice सोमपाः and to obtain freedom from fear अभयङ्कर (Atharv I. 21. I). The protector and all the executive officers should be persistently, patiently wakeful, watchful.

अद्रयोऽश्रमणाः अश्रुयिता (Rig. X. 94. 11)

He is to bear in mind that he is peoples' protector and therefore at the post:

अयं विशां विपतिरस्तु राजा (Atharv IV. 22. 3)

Yaju (I. 1) मा वस्तेन ईशत माघशंस and Atharv (XIX. 47. 6) मा अघशंस ईशत मा नो दुःशंस ईशत that no ruler be a thief of public funds or arbitrary or self-willed and mal-administrator. He is immediately liable to removal.

(4) The Bhumi Sukta (Atharv XII. 1) is specific and sufficiently detailed that the Government should be world-government—embracing the whole earth. Principal of the Gurukul Kangri University, Acharya Priyavrat, Ved-Vachaspati, in his commentary on the Sukta at pages 96-97 of the Introduction clarifies it. In the discussion at Kishen Bagh, Hyderabad, A.P., he clarified it again. Shri Swami Bhumnanand Saraswati in his book the *Voice of the Vedas* Chapter III. pp. 243 to 298 translates the Sukta. He also translates the word *prithivi* in so common use throughout the Sukta as the Earth. Shri Shripad Damodar Satwalekar and Shri Jayadev Vidyalankar render the word *prithivi* as the Earth—the *Voice of the Veda* gives the title of the Chapter as *Universal Patriotism*. Shri Dayanand Saraswati in his books refers to world Government only. The *Naxatrakalpa* XVII. calls it पार्थिवी भूमिकामस्य and the *Kaushitaki Sutra* (5. 2) says: भूमिस्य दतिकर्मणि. All these authorities so eminent and learned go to establish that the Govern-

ment spoken of is of the whole world. But Sayana in his commentary says: ग्रामपत्तनादिरक्षणार्थम्

It is remarkable how great learning is at times divorced from common sense, the words in the Sukta are *Prithivi*, *Bhumi*, and *Rashtra*. Any Sanskrit Dictionary will give the meaning. No dictionary will give proof of its wisdom that any of these words can mean ग्राम (grama) or पत्तन (pattana) i.e. a village or a town respectively. The words *Prithivi* and *Bhumi* are unmistakable. The Atharv in (XII. 1) uses *Bhumi* and *Rashtra* as Synonyms, e.g.,

भूमि राष्ट्रे (XII. 1. 8) भूमि राष्ट्र (XII. 1. 3);

The word राष्ट्र (rashtra) may be derived from (राज. +त्र) protection of the *raj* is thus the primary duty, this is what Manu also emphasises. It may also be noted that Atharv (XII. 1. 12) uses the words

भूमि (Bhumi) and पृथिवि (Prithivi) as Synonyms. See also (XII. 1. 4); (XII. 1. 6); (XII. 1. 8); (XII. 1. 9); (XII. 1. 14) and others, particularly (III. 4).

Indeed the whole Ved in its political and constitutional provisions speak of world-government. See, e.g., Rig. (III. 46. 2); Atharv (VI. 36. 3) which also is found in Sam.; Rig. (VIII. 1. 27). The Sukta of which the *devata* or the subject-matter is सूर्य and some of Indra speak of world-government. In the *Brahmanani* there are many historical accounts of rulers of the world. This part of the history of Ancient India is hopelessly neglected by historians who can see the dawn of civilisation with the arrival of the Hon'ble East India Company on the borders

of the coast of India and develop into an Empire. Giving merely a list of the rulers would be of little use to the reader and furnishing details of historical data would not be relevant to the subject-matter of this book. Even Acharya Ramdev, M.A., in his three volumes did not give any importance to this part. The book needs revision in the light of the fresh material available.

While the questions of racial and religious minorities and linguistic groups are raising up their head without any solution being in sight from 1914 to 1961, Atharv (XII. 1. 45) lays it down as a duty of the Government to protect all. But at the same time these groups shall not block the progress of the majority (Rig. V. 66. 6).

बहुपाय्ये यतेमहि स्वराज्ये

for ultimately all governance is a question of compromise. There can be no compromise with a breach of the law; or any manner of untruthful and unjust conduct:—

मा मामिमं तव सन्तमत्र इरस्या द्रुग्धो भियसा नि गरीत् ।
त्वं मित्रो असि सत्यराधास्तौ मेहावतां वरुणश्च राजा ॥

(Rig. V. 40. 7)

The meeting place of the persons to take part in the day-to-day conduct of world Government was to be of (1000) pillars (Rig. V. 62. 6). This is the basis of the *Arthashastra* (I. 15. 60-62).

The *Shatpath* (V. 2. 1. 25) et sqq. speaks of four bodies—representing various interests. They are there spoken of as Agni, Indra, Mitra and Varuna. They indicate the Jurists, Judges, lawyers and

teachers of law comprising one group; army and administrators forming the next group; the commercial and industrial interests forming the third group; and the labour forming the fourth group. It is on the last two groups that the heaviest responsibility lies—for they constitute the numerical majority in any society. Hence Rig. (V. 41. 1) says:—

ऋतस्य वा सदसि त्रासीथां ।

The orderly governance of the earth depends on them. The views of the Jurists, administrators, philosophers and idealists may be given due respect always, yet it is the common-sense just solution that would carry the people along without protest. During the last two years there were many articles in the *American Bar Association Journal* and a body out by the Committee presided over by Shri Charles Rhyne, but this aspect of the matter—the association of the masses—the labour and the commercial and Industrial class was not touched in any of them. President Eisenhower proposed a frame of scheme by University professors. So far nothing came out of it. If it is confined to American professors only it may be of little use, for there are already some useful books in the field. Shri Justice William O. Douglas of the Supreme Court of the U.S.A. in a pamphlet entitled *the Rule of Law in World Affairs* makes a remarkable contribution in that it leaves this matter to be worked out in co-operation on given lines, and cites some illustrative cases. The dominant fear in the minds of thinkers and lawyers in U.S.A. in particular seems to be that other countries by sheer majority decision

may upturn the normal flow of life according to American ideals; and may subvert the basic role of democracy and the Rule of Law. Any Government must be founded on the source and sanction of law and political power. The world-government must also be a Government first. Those in India during the transfer of power at the British Indian Provinces in 1937 and at the Centre in 1945-1946 will recall the horror with which people and the Government of the day contemplated the blowing up of the Government houses the very moment the Indians took charge. But as every one is aware nothing of the sort happened. Most saner elements would admit the Government of the day in 1961 is in some respects far superior to that in 1944. But probably this is irrelevant to the main subject under consideration, and though interesting may have to be left at that.

In the days of Dasharath, then, there were as authorities the four Veda that is uncontroverted. That there were also the *Brahmanani* is also clear from Valmiki. The text of Manu was also available. And the world-government was based on the rules laid down by these authorities.

From Valmiki we learn that the first political act of Dasharath was the performance of the *Ashwamedh*. The political and constitutional meaning of this institution is no longer grasped fully. The *Shatpath* (XIII. 2. 2. 15) and (XIII. 2. 2. 17) says:—*क्षत्रं वा अश्व* | political power is termed *ashwa*; as expansion is its quality. The *Aitareya* (VII. 22) says: *क्षत्रं हि राष्ट्रम्* | Then the *Shatpath* (XIII. 2. 2.

16) says: *राष्ट्रमश्वमेध* (XIII. 1. 6. 3) and *Taittiriya* (III. 8. 9. 4) and (III. 9. 4. 5) *राष्ट्रं वा अश्वमेधः* the assertion of political power is the *aswamedha*. In order to avoid unnecessary bloodshed and carnage and at the same time to satisfy the necessary urge of power, powerful rulers used to circulate a horse in all countries with a select corps of the army. Those of the powers that acknowledged the claim of superiority of the power allowed to pass the horse unmolested. Those that desired to try their strength did so. The horse was allowed to proceed if in the contest the superior power of the ruler was established. The horse was never slain. Indeed all *yajya* is *अश्वर* and *मख*. No life can be taken in any *yajya*. This remarkable institution maintained the supremacy of a power at one time, while permitting another power to contest it if it so pleased. Thus there existed a friendly contest as to attain Supreme power and no one foolishly ventured to test his strength. Originally it was purely a political institution and never misused for personal ambition. Later history does record its misuse, as many other nobler institutions were misused in history. Ambitious kings gave proof of their prowess by performing the *Ashwamedha*.

Valmiki does not record the progress of the *ashwa* as Vyas in the *Mahabharat* does. The *Ashwamedha* Parva of the *Mahabharat* gives due details.

In a mere debating society, it may serve quite as well that people may have no voice, and states may be allowed to become President in any alphabetical order. But when maintenance of peace and order

is in question, such arrangement is least likely to serve the purpose. It lacks power. The system of *ashwamedha* was a natural device to bring the powerful to the fore and avoid any rivalry, and keep up the efficiency and strength of the world-government. The *Ashwamedh* was also essential in another manner. After the *yajya* the State is returned to the learned—the Jurists, Judges and lawyers; and then received back from them as a trust once more on behalf of the people—the coronation oath, the *abhishek* promises are thus kept fresh and there is the physical demonstration of the supremacy of the people on the one hand; on the other the status of the *raja* as merely a servant of the people, discharging merely a sacred trust. The monopoly of power of course was there—but then neither the monopoly of weakness or of the white or the black or the yellow, no monopoly of the East or of the West. Hence it was without a word of protest so long as it lasted: lastly it ensured distribution of wealth:

श्री राष्ट्रकामति यो ऽश्वमेधेन यजते ।

(*Shatpath* XIII. 1. 5. 1); (XIII. 2. 9. 1). It was a natural development of power: प्रजापतिरश्वमेधमसृजत (Id. XIII. 1. 4. 1); (Id. XIII. 2. 5. 1). Hence in the *Shatpath* (XIII. 3. 7. 1), etc., the benefits flowing from it are described. It then says:

एष वा अतिव्याधी नाम यज्ञः । यत्रैतेन यज्ञेन यजन्त ऽ
आराजन्योऽति व्याधी जायते । (Id. 9).

In a family when the *ashwamedh* is performed brave protectors are born.

Orientalists believe that Rig. (I. 162) and (I. 163) and *Yaju* (XXIII) lay down the butchery of a horse. Firstly, Rig. (I. 162) although called *ashwastomiya* is not concerned with *ashwamedha*; and (I. 163) has nothing to do with it. The *devata* or subject-matter of the former is Mitra, etc., and of the latter (अश्वोऽग्निः), i.e.; electricity. Secondly, Rig. (I. 162) in the seventeenth hymn emphasises that all *yajya* is (अध्वर) and the *Nirukta* (I. 7) says: अध्वर इति यज्ञनाम ध्वरति हिंसाकर्मा तत्प्रतिषेधः । *adhwar* is *yajya*, the *dhwar* is *himsa* or injury and its prohibition is indicated. *Adwar* is therefore absolute *ahimsa*. Thirdly, the subject-matter of *Yaju* (XXIII) as given in the extant editions are no less than thirty one. To give the full list with the relevant (65) hymns would take up too much space. It may be noted here that

- (1) गणपति the head of the State is the subject of (XXIII. 19);
- (2) राजप्रजे the ruler and the people of (XXIII. 20, 22, 23, 31);
- (3) न्यायाधीश the Judiciary of (XXIII. 21);
- (4) राजा protector of (XXIII. 30, 32, 43, 44);
- (5) प्रजा people of (XXIII. 34, 35, 40, 41);
- (6) सभासद members of the Sabha or Jury of (XXIII, 38).

I suppose they have little to do with *aswamedha*. Similarly of the rest of the hymns. One is reminded

of the saying of Dr. Johnson that understanding cannot be given by the author or speaker.

Fourthly, so far as Yaju is concerned there are the *Shatpath* and the *Taittiriya*, two grand commentaries as old as at least five thousand years before Christian Era. Fifthly, the two writers of the last century, Dayanand Saraswati in Sanskrit and Hindi *Bhashya* on Rig. and Yaju, and the *Rigvedadi Bhashya Bhumiya*, and Gurudatta Vidyarthi, M.A., in English entitled *Terminology of the Vedas in the Wisdom of the Rishis* and in this century the commentaries of Shripad Damodar Satwalekar and of Jayadev Vidyalkar on both Rig. and Yaju may be read with profit and pleasure. Gurudatta Vidyarthi gives the true meaning and the one given by Max Muller. This comparative study would be delightful by itself.

As detailed in the prior pages, after the *ashwamedh* Dasharath gave away the land to the learned only to receive it back as trust from the people once more. The popular backing of Dasharath prevented the recognition of either Ravan or of Bali as sovereign (*Shatpath* IX. 3. 4. 5), (IX. 4. 1. 13); and Manu (IX. 294, etc). But nothing was done to reduce them.

What was left out by Dasharath had to be accomplished by Bharat and Ram.

Dasharath did not like Ram being deprived of *Yawvarajya* after the verdict of the people. But his own plighted word to Kaykayee prevented a dutiful son from acting against his duty. Dasharath at this

juncture comes to a conclusion that Bharat shall protect Ayodhya, until Ram is able to take over:—

भरतश्च महाबाहुरयोध्यां पालयिष्यति ।

सर्वकामैः पुनः श्रीमान्नामः संसाध्यतामिति ॥

(Ayo. XXXVI. 9).

The position of Bharat is not to be that of a ruler but of a trustee. Bharat coming back from his maternal grandfather on his departure to bring back Ram, prepares a set of *paduka*. He is aware of the habits and upbringing of Ram. He may not be persuaded to return. Then the Government of the country may have to be carried on by Bharat himself—as trustee. As soon as he is convinced that Ram will not go back to Ayodhya he requested Ram to place his feet on the *paduka*. In *Ayodhya* (CXVI) he four times says that there is entrustment (संन्यास) by Ram. The credit for extension of the idea of *paduka* must be given to Bharat no doubt, but the idea of entrustment is as old in Ancient India as the idea of a polity. The *Lawyers' Recreation* from Allahabad for June, 1961, very lucidly describes the Rule of Law in Valmiki and praises the act of Bharat. It is a readable matter and deserves to be studied. The creation of this trust for any period was a question of agreement of the people. For example, the *Aitreya* (VIII. 7) says:—

बलाय श्रिये यशसे अन्नाद्याय
भूरितिय इच्छेदिममेव प्रत्यन्नमन्यादित्यथ
य इच्छेद्विपुरुषं भूर्भुव इत्यथ य इच्छेत्
त्रिपुरुषं वाऽप्रतिमं वा भूर्भुवस्वरिति ॥

for power, wealth, fame, and food, if any one is to be appointed ruler for his life it should be said only *Bhu*; if for two generations *Bhu-Bhuva* should be said; if for three generations or uncertain number then *Bhu-Bhuva* and *swah* should be said.

Similarly, the *Shatpath* records of two rulers Chakrasthapati and Dushtarita Ponsayan who were driven out by the Srinjiya. They had ruled for ten generations.

The coronation oath given in the *Aitreya* (VIII. 15) is a specific agreement that if the ruler does not fulfil his duties he shall be liable to punishment; and all his good deeds will not prevent any punishment being inflicted on him. This oath is particularly meant for a world-ruler.

For want of a World-government there is no machinery to protect the weak, to punish the oppressor and to arrange for economic co-operation of the peoples. The schemes of social and judicial amelioration are still in the melting pot. After the First World War the British particularly talked of Kaiser being placed on his trial, but it was after the Second World War that the International Military Tribunals were established. The first at Nuremberg gave its judgment on 1st October, 1946, and then the allied Powers, U.K., France, U.S.S.R. and U.S.A. each established its own tribunals to try the vanquished. The U.S.A. itself had twelve such tribunals. Then in Japan there was the I.M.T.F.E. holding its session at Tokyo. If law is promulgated by a sovereign, and if sovereign must be determinate, then certainly there was no law at all. The anti-Jewish

policy of the period under the Nazi Government went unpunished because the Jews could not, in a stateless condition, assert themselves. Hitler, Himmler and Eichmann went unpunished. Now in 1961 the State of Israel secured Eichmann and brought him to trial. There is no period of limitation in any country against offences. Therefore Eichmann is correctly on his trial. Illegal arrest is no defence by an offender. That is established law throughout civilised world. Extermination of innocent members of a race for no fault of theirs shocked the conscience of the whole world. Eichmann is therefore correctly on his trial. Those in charge of the Government in South Africa and responsible for the maltreatment of the dark races of Africa, India and Pakistan and the Portuguese authorities at Angola similarly should have been brought to trial.

Ram had to punish Bali. The punishment scene is depicted even outside India—in Java and Com-bodia as brought out by Zimmer at pages 496 and 530. The later one is very simple and stylish, said to be of XIV century. They have an interest of depicting the international enforcement of law. The story is detailed in this book elsewhere but some aspect of it will be mentioned here, in view of the fact that this problem is still uncertain in the West in spite of its legal advance. Dr. Knieriem of Germany, General Counsel of I. G. Farben, was tried by the U.S.A. Tribunal for use of slave labour and complicity in war of aggression. He contends that the trial was illegal and naturally this position is controverted by American writers. The question of importance is (1) should there be an international law at the time

of the Commission of the offence? (2) Are individuals liable under international law? or (3) should the national law be applied?

So far as the question of liability of Bali is concerned we shall note briefly that it was Ikshavaku territory and therefore Ikshavaku law applied and Bali set himself up as a ruler. Secondly, Bharat was incharge of the administration of international law (Kishkindha XVIII. 10). Bali by marrying the wife of his younger brother committed an offence against the international law as laid down in Manu (IX. 57, 63). Thirdly, no crime can go unpunished, and every Kshatriya prince is bound to take cognisance of it on behalf of the Supreme Power. Fourthly, if no punishment is given, then the ruler himself is liable. A similar offence was punished by the ancestor of Ram. Lastly, it is International law as laid down by Manu (VIII. 318) that by being convicted and sentenced the offender is freed from the taint of the misdeed after undergoing it. (Kishkindha XVIII. 33).

The relevant passages, therefore, show that so far as Bali was concerned his acts were offences under the International law of the age before the commission of the crime and were also offences under the law of the punishing authority. It will be observed that Bali himself pleaded not guilty in (Id. XVII. 24), (30). But later he submitted to the conviction and sentence. Manu (IX. 245) is very important in this context:—

ईशो दण्डस्य बरुणो, राज्ञां दण्डधरो हि सः ।
ईशः सर्वस्य जगतो ब्राह्मणो वेदपारगः ॥

(1) Varuna, Divine Preventive Power, (Atharv IV. 16.2) (Vide Manu IX. 300) is the Supreme authority to punish, for he can punish even the raja of a State; (2) a jurist with the mastery of law is the authority to punish on his behalf.

यावानवधस्य वधे तावान्वधस्य मोक्षणे ।

(Manu IX. 249). Punishing the innocent is as heinous as leaving off the guilty.

Shri C. Rajagopalachari, one of the front rank administrators in India, of the status of Sardar Patel at the Centre, and Govind Vallabh Pant at U.P., said on 10th April, 1960, at New Delhi, addressing All-India Civil Liberties Council and the members of the Bar, presided over by Shri N. C. Chatterji, "the culture of the legal profession was the only guarantee for the independence of the judiciary. Keep your conscience pure and maintain the culture of your profession."—*The Times of India*, 11 April, 1960. It is the responsibility of the legal profession that is emphasised in Manu (IX. 245) above. It must be realised.

Ram further makes some observations which are of value in this connection:—

न हि लोकविरुद्धस्य लोकवृत्तादपेयुषः ।
दण्डादन्यत्रपश्यामि निग्रहं हरियूथप ॥

(Kishkindha XVIII. 18)

(1) He who acts against the people,

(2) he who breaks the universal rules and upsets moral values, deserves nothing but punishment.....

दण्ड्ये यः पातयेद्दण्डं दण्ड्यो यश्चापि दण्ड्यते ।
कार्यकारणसिद्धार्थावुभौ तौ नावसीदतः ॥

(Id. 63)

(3) he who punishes one that deserves it,

(4) he who undergoes punishment when he should, both of them observing the rule of cause and effect, do not feel unhappy.

त्वं च धर्मादतिक्रान्तः कथं शक्यमुपेक्षितुम् ॥

(Id. 24)

(5) you committed a breach of *dharma*, how can you be overlooked?

The *Gautam Dharm Sutra* (XI. 30) lays down

दण्डो दमनादित्याहुस्तेनादान्तान् दमयेत् ।

दण्ड (*Dand*) (punishment) is so-called because it is for putting down or subduing the unruly (दमन) (अदान्त).

The *Shatpath* (XIV. 8. 2. 4) and the *Brahadaranyak Upnishad* (V. 2. 1) lay down a rule of conduct in a pleasant parable. The sound of the thunder was interpreted as दमन (punishment), दान (charity), and दया (kindness), by the three types of persons. Each was held to be correct.

Human society requires peace for its maintenance and progress—any breach of peace by the conduct of any one ought to be controlled. But then it is not mechanical peace. *Rig.* (VI. 47. 8) again occurring as *Atharv* (XIX. 15. 4) gives the fourfold aim of human society, viz.—

स्वर्वेत् ज्योतिरभयं स्वस्ति ।

(a) Happiness, (*Swarvat*),

(b) Light, (*Jyoti*),

(c) Freedom from fear, (*Abhayam*), and

(d) Prosperity (*Swasti*).

Even in 1961 there is no world-government in sight. Thomas Hovet in *Block Politics in the U. N.* has to admit, after a deep analysis of facts and figures, at page. 119:—"Blocks and groups now constitute a regularized, though informal, aspect of the organization of the U. N.; and there is every reason to believe that with the present voting arrangements they will play an increasing role."

That is no happy augury.

The rest of the story from the *Ramayan* is very short. After the punishment of Bali, the bond of mutual help between Bali and Ravan came to an end. The vanars took active part against Ravan and after his defeat the world was once more under the sway of the Ikshavakus. Ram had done a duty.

पृथिव्या निःशशा अहिम् । (*Rig.* I. 80. 1);
the enemy of the world be duly punished.

नियंसते ... अपः । (*Rig.* I. 80. 3).

and the people were kept in proper control.

यद्धृत्यं मायिनं मृगं तमु त्वं माययावधीः । (*Rig.* 80. 7),
that deceptive enemy must be overcome tactfully. The symbolism of Marich taking the form of a deer at the suggestion of Ravan is evidently borrowed from this text. With the death of Ravan the enemy is overcome, and peace restored.

(17) INTERNATIONAL LAW

In the 1956 S.C.J. there appeared an article entitled *The Art of Governance in Ancient India*. It is reprinted herein.. Though brief it may provoke some better qualified to write about the subject. The modern concept of international law is of recent growth. But as noted by Shri Justice William O. Douglas in *The Rule of Law in World Affairs*, page 5 "the true guage of law is not command but conduct." For those that seek to find traces of International Law in Ancient India the only sources are the *Brahmanani*, *Manu*, the *Ramayana*, the *Mahabharat*, the *Artha-shastra*. The conduct of the states as between themselves and with the World-government was controlled by Vedic rules. These are of two types—general and specific, you will find general provisions in hymns of which the subject-matter is Indra, Agni, Rita, or Varuna; the specific provisions are contained in hymns of which the subject-matter is Pusha (see *Taittiriya* II. 5. 7. 4 where Pusha is said to be the *raja*), Indra, Surya, and Rig. (X. 27), (VIII. 101), (X. 134), and (X. 165).

The temptation to give Rig. (X. 27. 6) cannot be resisted:—

दर्शन्वत्र श्रुतपां अनिन्द्रान्बाहुक्षदः शरवे पत्यमानान् ।
घृषुं वा ये निनिदुः सखायमभ्यू न्वेषु पवयो ववृत्युः ॥

(1) Here I see those that do not regard Indra, or do not regard Indra as Indra, or do reproach Indra, as prosperous, enjoying themselves, and apparently powerful;

(2) I see those that blame the *Sakha* (friend);

(3) My thunderbolt verily bring them under control.

This hymn is normally rendered as one referring to atheists—being punished by Almighty. Acharya Priya Vrat is of the view that *Indra-Indra* means the *raja* of the world, the सार्वभौम *Sarvabhaum*. But in most hymns the word *indra* alone means the *Sarvabhaum*. Examined thus the hymn would refer to a punishment of the breach of international law. The same idea is contained in the third hymn (X. 27. 3):—

अदेवयूत्समरणे जघन्वान् ।

The word अदेव is translated by Monier-Williams as godless, impious. Roughly speaking what is अनिन्द्र in (X. 27. 6) is अदेव in (X. 27. 3), both in religious sense and in *adhirashtra* sense.

The conduct of individuals *inter se*, and of regional states among themselves and with the world-government is one of (a) सहृदयम् mutual agreement, (b) unity of aim, (c) avidwesh (अविद्वेष) freedom from hatred, and (d) love:—

सहृदयं सांमनस्यमविद्वेषं कृणोमि वः ।

अन्यो अन्यमभि हर्षत वत्सं जातमिवाध्या ॥

(Atharv III. 30. 1)

'I ordain for you mutual agreement, unity of aim, freedom from hate; among yourselves love should flow as of a cow for its new-born calf.'

If Valmiki is examined carefully, then two types of rules emerge—as to peace and during war. As to Peace it may be noticed that any agreement among any number cannot give it validity if the act itself is illegal. The bond between Ram and Sugriva does not validate the punishment of Bali. Sanction for the punishment lies elsewhere. Under the Constitution of the U.S.A. Article VI. Section 2 'This Constitution and all Treaties made, or which shall be made, under the Authority of the U.S. shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.'

The terms of an agreement are binding on the parties themselves—and no negligence may be tolerated in the discharge of obligation thereunder.

No representative of any other state can be molested. Both Ram and Ravan followed the law—but Ravan followed the letter not the spirit when he had the Kapishwar's tail lighted after huge inflammable material was tied to it. Ram followed the letter and the spirit of the law. He did not allow revenge to affect his conduct. Dasharath in

Ayodhya (XII. 31) called Ram **महर्षिसम** like a Maharshi and in (XIX. 20) Ram himself says that he is **ऋषिभिस्तुल्यं** like the rishis. There was no room for hate or revenge in his heart.

As to the law of war. The word **मर्यादा** *Maryada* used for rules of dharma is itself very suggestive. The breach of these rules results in the destruction of individuals and nations—(मर्य+अद्)

Rules of war are also such basic rules. Some of these are given elsewhere in this book but as these rules are not likely to influence the conduct of a modern war the detailed account is left out. Instead some general rules may here be usefully given.

Dasharath had enough of experience in administration. He had trained Ram for twelve years in giving him practical training in the day to day conduct of Government. As a fond father he gives some advice after Ram is decided to be installed as *yuvaraja*. This brief advice in *Ayodhya* (III. 42 to 46) requires ten qualities to be cultivated by a ruler, viz.—

गुणवत्यपि तु स्नेहात्पुत्र वक्ष्यामि ते हितम् ।
भूयो विनयमास्थाय भव नित्यं जितेन्द्रियः ॥
कामक्रोधसमुत्थानि त्यजस्व व्यसनानि च ।
परोक्षया वर्तमानो वृत्त्या प्रत्यक्षया तथा ॥
अमात्यप्रभृतीः सर्वाः प्रजाश्चैवानुरञ्जय ।
कोष्ठागारायुधागारैः कृत्वा संनिचयान्वहून् ॥
इष्टानुरक्तप्रकृतिर्यः पालयति मेदिनीम् ।
तस्य नन्दन्ति मित्राणि लब्ध्वामृतमिवामराः ॥
तस्मात्पुत्र त्वमान्मानं नियम्यैवं समाचर ॥

1. Be courteous,
2. always be in complete control of your senses,
3. leave off lust and anger;
4. and all evil habits;
5. Even when morally certain of commission of an offence insist on rules of Justice;
6. protect all people with the help of Ministers.

7. maintain grain stores,
8. and arsenals; and make enough collection of both;
9. the masses should be free to do good;
10. keep yourself under the control of नियम established rule.

(18) DISARMAMENT

Power is used only against external agents or power. The book by Feliks Gross entitled *The Seizure of Political Power* gives a brief and instructive history how power is utilised in the annals of history. But arms are useless when ideas and ideals are concerned. The only weapon in this case is the tongue—in the old terminology called *Gau* (गो). The power of knowledge or of science is more effective, and controls even armaments.

In May 1954 at the *Ashtam Arya Sammelan* Acharya Priya Vrat explained Rig. (II. 23. 17) as he understood it and explained it in his book वेदोद्यान के चुने हुए फूल. The matter can be found at pages 203 to 205. With slight modification of the sense in (c) as I understand it, the hymn is given below:—

विश्वेभ्यो हि त्वा भुवनेभ्यस्परि त्वष्टाजनत्साम्नः साम्नः कविः ।
सऋणचिद्वृणया ब्रह्मणस्पतिर्द्रुहो हन्ता मह ऋतस्य धर्तरि ॥

(a) The Omniscient Creator (त्वष्टा कवि) created you as the embodiment of knowledge (ब्रह्मणस्पति):

(b) by collecting the nobler or musical elements of each object;

(c) you are the great preserver, protector (धर्तरि) of *Rita* (ऋत) eternal law;

(d) by your kind deeds you overpower others;

(e) by your debt of gratitude you kill hatred (द्रुहो हन्ता).

It is a very remarkable explanation of a hymn describing the *overcoming of hatred by the learned*. A comparison of Rig. (X. 66. 8) will show that the executive power may be (अद्रुह) without a taint of hatred, but it is the province of the learned to kill hatred.

Indeed the creation of a political society is itself the result of the learned (Atharv XIX. 40. 3) performing heroic deeds of self-dedication for the purpose:—

भद्रमिच्छन्त ऋषयस्स्वर्विदस्तपो दीक्षामुपनिषेदुरग्रे ।

ततो राष्ट्रं बलमोजश्च जातं तदस्मै देवा उपसन्नमन्तु ॥

This dedication is no easy task. He must first give up the personal interests and of his progeny and relatives, he must forsake economic bonds that bind him to this world of self-interest, he must give up name and fame and rise high above them (*Shatpath* XIV. 7. 2. 26). He should devote his mind and heart to the Power that is Knowledge, and Bliss (सत्, चित, आनन्द) Atharv XIX. 42. 3. He must become harmless to all creatures:

अभयं सर्वभूतेभ्यो मत्तः स्वाहा ।

Narrowness he must discard completely and become
विततः broad minded (Atharv IX. 6 (2). 11), embracing the whole animate and inanimate creatures. It was of men of this sterling qualities that the *Bhagawat* said:

न ब्राह्मणैस तुल्ये भूतम् अन्यत् ॥

“There can be no one like the learned”:

Then let us closely examine the requisites of disarmament. These include:—

(a) Every one having anything to do in the political set up—the Head of the State, those that carry on the administration, those that make binding orders or laws, and the judiciary, and various other authorities—should have a highly moral conduct and should act in the way as not to give injury to any one; to devote themselves to bring about a complete life full of happiness, light, freedom from fear, and prosperity;

(b) the people themselves must be devoted to justice and truth;

(c) the learned must dedicate themselves to peace and search for truth, a broad view of life and maintenance of universal peace. The Jurists, lawyers, Judges, teachers, research workers, philosophers, and thinkers have a special duty, not as a class for the betterment of the class, but as an aristocracy of service and suffering for the sake of all creatures—and for truth and dharma.

Think of the high responsibility of Dr. Oppenheimer and all those who have had to develop and extend the uses of atomic power, to prevent the misuse of the power for purposes of human destruction. It is essential for the establishment of peace and of complete disarmament that the learned should realise their responsibilities. It is thus the two elements the one may well be termed the protectors (क्षत्र), the other the learned (ब्रह्म) that must co-operate before safety and security could be achieved—and then peace and prosperity and cultural advance may be thought of. Unhappily in India from the day when Kautilya Chanakya died the learned forgot their duty. In the West science was and still continues to be a revolt against religion—and naturally it served narrow political purposes to establish its own position and get recognition.

Aldous Huxley in a brief article (in which the idea of a world-state has no place) emphasizes the three-fold aspect of effort for achieving peace—(1) all scientific research workers should refuse to co-operate in any work taken up for, or resulting in, injury or human slavery; (2) a political control on the use of the achievements of scientific research; (3) men of science should try to minimise the chances of war and try to enlarge the field of human liberty. On principle people admit that science is for man, not man for science, but in fact millions of men are sacrificed for science. He requires an international organisation, each member of which should be devoted to the ideal of using scientific knowledge for human prosperity, freedom and peace. He is one with Dr. Weltfische that all scientists in the world should take a resolu-

tion not to use his power for cruel or destructive purposes, and for this common ideal to work in co-operation with scientists of all race, colour and religion.

The idea is very good indeed—a step forward. But such happy resolutions may now do little good. 6th August, 1945 when the U.S. B-29 dropped an atomic bomb at Hiroshima, taking a toll of 2,60,000 human lives and injured 1,63,000 more, merely an inscription admitting it an error and that it shall never be repeated is of little value. In 1942 Wendell Wilkie in forty-nine days completed a world tour of the various countries covering 31,000 miles in 160 hours of flight and he gave the little book entitled *One World* in a frank and outspoken manner admitting that in the future what concerns the Far East must concern the Americans; and the need in future he emphasised must be world-wide. What was more was his admission that brilliant victories will not win the war but only new ideas on the relations of Americans with the peoples of the East could do it. From the ashes of the two World Wars that sense of unity did not take its birth. The creation, without inequity and inequality, of one world is still a dream. The hope of Mr. Justice Vivian Bose 'to weave new threads of thought' is still an ideal, not within the range of practical politics.

Disarmament was possible in the days of the Ikshvakus as there were devoted men of learning—when Ravan could not be guided by them, they left the territory—just as Einstein did in living memory.

Ravan was thus deprived of the help and co-operation of men of learning, while Ram received

their help and latest arms and guidance, his victory was certain.

(19) CONCLUSION

The word Purushottam is defined in Kishkindha (XXX. 72):

सत्येन परिग्रहाति स वीरः पुरुषोत्तमः ।

satyena parigrinhati sa virah purushottamah, i.e. he who acts always at the dictates of truth and justice is styled purushottam. Laxman says in (Id. XXXIV. 7):

... .. जितेन्द्रियः ।

कृतज्ञः सत्यवादी च राजा लोके महीयते ।

'jitendriya, kritajya, satyavadi cha raja loke mahiyate.' 'A self-controlled, grateful and truthful, ruler gets honour in the world.' When advising Sugriva in (Id. XXXVIII. 21-23) Ram laid down some useful principles of administration, a ruler set apart proper time for dharma, artha and kama; conversely, he who gives up dharma and duties of state, but merely attends to the pleasures of his senses may get a fall like a man that goes to sleep on a branch of a tree, and learns a bitter lesson. Trying to overcome enemies, collecting friends, attending to dharma, artha and kama makes a dutiful ruler. In very brief this is the duty of a ruler. There is another important rule of government: viz., no protection could be complete by *dharma* or by *bal* alone; neither unsupported truth or justice, nor mere brute force can be complete protection. Dharma and bal together are potent forces (Id. I. 128). But it is a psycho-

logical rule of power to require power for the sole purpose that one's desires may not be thwarted:

एतदर्थं हि राज्यानि प्रशासति नराधिपाः ।

यदेषां सर्वकृत्येषु मनो न प्रतिहन्यते ॥

Aitadartham hi rajyani prashasati naridhapa,
Yadeshm sarvakrityeshu mano na pratihanyate
(Ayodhya LII. 25).

Such a sensuous man forgets that it is the thorny path of truth and justice that one must tread: Ayodhya (CX. 4-13). That a kshatriya should be क्षत्रियौ वृत्तसंपन्नौ *vrata sampanna*, every officer of state must have his eye on his duty, and to be dedicated to the service of humanity (Aranya III. 3).

न सुखात् लभते सुखम् । अरण्य. ९।३१

NA SUKHAT LABHATE SUKHAM (Id. IX. 31).

Sita gives expression to this rule of life that happiness does not spring from ease or physical pleasure.

धर्मार्थः प्रभवति धर्मात्प्रभवते सुखम् ।

धर्मेण लभते सर्वं धर्मसारमिदं जगत् ॥

From dharma springs the artha, from dharma comes happiness, from dharma one gains all, the whole world is based on dharma (Id. 30). The true protector keeps force merely to prevent oppression (Id. X. 3.) His government is always under the law, and not at the sweet will of an individual. Marich in Aranya (XXXVII. 2-24) had had to tell Ravan

some unpleasant things. A sensuous, self-willed, *kama-vratta*, *nirankush* person brings about the ruin of his country. No officer of State, least of all the ruler, could afford to be independent of law, *na nrapa kam-vrattayah* (Kishkindha XVII. 32), *na vayam swa-washe sthita* (Id. XVIII. 36), *swasasho na kadachan* (Shanti LVIII. 116).

The power of the state is not to be wasted or misused; and to guard against its misuse in India, from ancient times there have been three institutions—the council of Ministers, the political bodies of the people, and the guild of the jurists, judges, lawyers, and teachers of law, called variously as Rishis, Brahmins, Narads, etc.

Kautilya Chanakya (I. 15. 60-62) is of the view that the one thousand ministers in a world government are as the eyes of the head of the world government, it is through them that he perceives. Similarly detailed instructions are contained in Shukra as to how Ministers should conduct themselves and how the raja has only to agree to their views, (II. 354-361). As the *Shatpath* lays down in (XIII. 2. 9. 6 & 7) *rashtri vishamghatuk* and in the next passage *rashtri vishamatti*; a self-centred ruler is the enemy of his people. On the contrary a ruler devoted to his duties is real protector: *yasmin dharmo virajate tam rajanam prachakshate* (Shanti XC. 14); others are *rakshas* according to Shukra: *anyashch rakshasam* (I. 70). In previous sections we have given a list of the great benefactors of mankind, Parashuram and Krishna, who punished those rulers that were oppressors. In the *Mahabharat*,

Bhishmapitamaha is expressing himself in the duty of early dethroning and killing of a king that does not afford security to the people (Anushasan LXI. 33), as if he were no more than a mad dog (*sa sanhatya nihantavya shwev sonmad atur*). Do we not find Vasishtha awaiting to see Dasharath (Ayodhya XIV. 25), while Sumantra informed the king of his arrival (Id. 53), both Kaykayee and Dasharath order Sumant to bring Ram? Sumant had refused to carry out the order of Kaykayee without hearing the wishes of the king (Id. 62). The king realises too late that he did not consult his ministers and purohit. But he had set in motion a chain of events which it was beyond his powers to arrest. Similarly, Marich, Vibhishan and Mandodari freely and frankly tender advice to Ravan and he does not care. Both these rulers suffered from kama, Dasharath gives his desire to do anything unjust and oppressive to please Kaykayee (Ayodhya X. 31-34).

The concept of the duty of a minister as given by Ravan may be read in Aranya (XL. 8-14).

Of the political bodies of the people, Ved speaks of the Samiti, vide the *Art of Governance in Ancient India* (1956 S. C. J.) and the judiciary called the Sabha including the jurors. Shri Buddhadev, Vidyalkar, Vidyamartand, is of the view that the Savita is also a body of the learned, the orders of which were binding both on the ruler and the people. It represents the ancient legislature according to him.

But in Valmiki we do not get these terms. Instead we get the name Parishad. At Ayodhya the political body was omnipotent, when Dasharath

desired to make Ram Yuvaraj he had to consult the Parishad. After the exile of Ram people vowed they would have nothing to do with Bharat. After the death of Dasharath they had to choose a successor. Vasishtha desired them to defer the choice till Bharat was back from his maternal-grandfather's house. Bharat desired to bring Ram back from exile. When Ram did not come back but instead appointed Bharat as his representative, he carried out the government until Ram returned. Among the Vanars also there were the Council of Ministers and political bodies. They selected Bali to be crowned king (Kishkindha IX. 2). When Bali was supposed dead these bodies had his brother Sugriva crowned (Id. 21) and (Id. X. 10) and (X. 12). Is it not remarkable that while Bali made life wretched for Sugriva, and arrested some of his friends he dare not punish any of the persons really responsible for his selection? This was the supremacy of the law. For the punishment of Bali the responsibility lay with the shadow cabinet in exile, and still working under Hanuman. Queen Wilhelmina and other crowned heads acting from various places in exile during the last World War II give us a parallel. But in Lanka the political assembly had little independent existence. The result is well-known. Mandodari in her wailing

twice says: विप्राज्ञां चञ्चलं श्रियम् ।

Dhigrajam chanchalam shriyam (Yuddha CXI. 34 and 35). 'I believe the royal power ever-changing from man to man'. But she was then thinking of Vibhishan and of Ravan (Id. 26)). That she had in mind

other, real grounds of the fall of Ravan appears from her wail:—

1. Indriyani pura jitwa jitam tribuvanam twaya (Id. CXI. 15-16) Ravan controlled his sexual pleasures and self-controlled, then he brought under his control very many, but when he was overcome by his senses and lost his self-control, his defeat in the field of battle was a natural and necessary corollary.

2. The next most potent cause of Ravan's fall was the *pativrata* of Sita, (Id. 23).

3. The unalterable law of cause and effect, of suffering naturally arising from every evil deed is also there (Id. 25).

4. Ravan had arrayed against himself every one by his opposition to yajya and dharma (Id. 52-53).

5. Other women besides Sita had been detained, and their curses were no less effective (Id. 65), and (67) read with the *Brahm-Jaya Sukta*.

6. It was the moral cowardice of Ravan deceitfully to take away Sita when both Ram and Laxman had been led away (Id. 69).

7. A very strong link in this chain of causation was the disregard of the correct advice of Vibhishan (Id. 71) etc.

8. Ravan consistently refused to act up to the advice of the only persons interested in his safety and welfare: his father-in-law, his two brothers

Kumbhakarna and Vibhishan, and of Marich, and his own wife, Mandodari (Id. 78).

9. Ram in Yuddha (CXI. 98) calls Ravan अधर्मानृतसंयुक्तः *adharmanratsanyukta*, wedded to illegality and untruth. And it is the eternal, relentless law of nature:

ऋतस्य पन्थां न तरन्ति दुष्कृतः ।

Ritasya pantham na taranti dushkritah (Rig. IX. 73. 6); 'the evil-doer can never safely pass the narrow way of *Rit*, of eternal law.'

In the felicitous phrase of Ram it was the one cause that brought about the end of Ravan. That it is hydraheaded few will doubt. The eternal law equally operates against all—there is no exception to it, Ram is as much subject to it as is Ravan:

यच्चिद्धि शश्वतामसीन्द्र साधारणस्त्वम् ।

Yach-chiddhi shashwatamasindra sadharanas-twam (Rig. IV. 32. 13).

अभ्रातृव्यो अनात्वम् अनापिरिन्द्र जनुषा सनादसि ।
युधेदापित्वमिच्छसे ।

Abhratravyo ana twam, anapirindra janusha sanadasi,

Yudhethapithvamichhase (Rig. VIII. 21. 13),
(Atharv XX. 114).

'He who would establish a link of friendship with Him who is related to every one equally, must do so by fighting and overcoming the evil'.

One point to be carefully borne in mind in the study of the *Ramayana* is that Ram tries to localise the

evil of war, and would not allow it to spread. The punishment of Bali was well thought out (Kishkindha X. 30) and (32). Sugriva, Hanuman, Nal, Nil and Tar on one side and on the other Ram and Laxman the only existing persons at the place had agreed, and accompanied Sugriva (Kishkindha XIII. 4) for a second challenge to Bali. Punishing Bali for his offences, and severely confining the evil result of what would have been a general war Ram saved innumerable lives, and Bali himself died content with his fate. In Lanka, Ram was fighting a life and death struggle, and yet he did not send any information to Bharat. It was the sacred duty of Ram to relieve from the mouth of the ravenous wolf the little *vartika*, a quail.

वर्तिका . . . अस्नो . . . अमुञ्चतं वृकस्य ।

ऋ. १।११।१६

vartika...asno amunchatam vrakasya (Rig. I. 117. 16).

In performing this duty Ram had to undergo various trials and tribulations and at one stage it looked as if Ramchandra was eclipsed by Ravan: and such valiant and experienced heroes as Sugriva and Vibhishan were frightened.

व्यधिता वानरेन्द्राश्च बभूवुः सविभीषणाः ।

रामचन्द्रमसं दृष्ट्वा ग्रस्तं रावणराहुणाः ॥

Vyathita vanarendrashcha babhuvuh savibhishana

Ramchandramasam drishtwa grastam Ravan-rahuna (Yuddha CII. 32-38).

And the fight became more fierce, yet as Ravan was tired Ram stopped attacking him (Id. CIII. 28) and Ravan was driven away from the field (Id. 31). The fight began again and became a single combat (Id. CVII. 2-5).

There came a time when the superiority of his arms and the agility of his body and mind seemed to be of little effect against Ravan (Yuddha CVII. 39 et seq.). At the advice of his charioteer Ram used the Brahmastra (Id. CVIII. 1-14). After this victory, so hard won, Valmiki is content to say that Ram was स्थिरप्रतिज्ञ *sthir-pratijya* (Id. 34), he carried out his word to the last letter. Nor does he curse Ravan. He gives a factual report and is content with it. This *akhyan* was composed not for extolling the victor, not for pulling the leg of the vanquished, but just to teach a lesson to posterity.

This lesson is manifold-Adhyatma, Ethics, Political Science, sociology, Economics, Ballistics, Logistics, War Tactics, International Law, Law of War and Peace, Trade and Commerce, Armaments, Public Service, Law of Gifts and of Endowments, etc. etc. Liberty and limitation on it, a question still unsolved, is throughout the story the main problem claiming our attention. Ten Hoor's *Freedom Limited* may well be read with Valmiki. I do not propose to say that which Valmiki left unsaid, about his personal life. But it is alleged, and popularly believed in, that Valmiki was a bird-catcher, that he was a high-way robber, a murderer of Brahmins, on the other hand the later accretion in the Bombay edition of the Ramayan, the Uttar (XCVI. 18) would

have us believe that Valmiki was a descendant of the Prachatas. The third view is that Valmiki wrote the *Ramayan* even before Ram was born. These matters carry their own refutation. The authority of so advanced a book on Political Science could only be slighted by little minds unacquainted with the book. The book belies all these theories, the result of immature thought. The *Ramayan* could only have been composed by one who had thorough mastery of Ved, the *Brahmanani*, of the *Vedang*, and the *Upa-Ved* and *Manu* in its first original form. It could not be so framed and finished by one not thoroughly acquainted with the *Aitareya*, the *Shatpath*, the *Taittiriya*. One not familiar with the language could hardly hope to write a composition so chiselled, with a polish which retains its freshness and lustre to this day. All the ten *rasas* are here met with. But the book had its genesis in the *Karuna ras*, springing from the *Raudra ras*, of the unjust killing of *krounch* and the curtailing of the liberties of the people by Dasharath.

It may be noted here that Panini is called a *kirat* or hunter of *apashbd mragah* i.e., the Deer of the ungrammatical words. Valmiki is a hunter of oppression, injustice and immorality.

I said before that the word *krounch* signifies Vak, or freedom of speech. If the word Vak is taken to mean law, for the word also means Ved, then the book is an account of the various types of breach of law, from Dasharath to Dashanan, and the restoration of that law. If any authority is needed for the point that Vak was used for Ved, it shall be found in *Shatpath* (II. 1. 4. 10; IV. 6. 7. 5; XIV.

4. 1. 23; XIV. 4. 3. 12; XIV 6. 10. 5) and various other *Brahmans*. Such, e.g., as *Aitareya*, (II. 15), (IV. 21), (VI. 3); *Gopath* (Poorv. II. 10); *Jaimini Up.* (I. 9. 2), (I. 2. 8), (IV. 23. 4); would be enlightening. *Yuddha* (CXXVIII. 118) is based on *Taittiriya* (III. 7. 7. 11).

Yaju (I. 1) and Atharva (I. 19. 3; 21. 2 & 3), (II. 27. 7), (IV. 19. 5; 40. 1-8); (V. 6. 10; 10. 1-7); (VI. 6. 3; 15. 1-2; 54. 3; 66. 1); (VII. 108. 2; 113. 2); (VIII. 3. 25; 4. 7); (XII. 1. 14); (XIX. 18. 1-10); *Rig.* (I. 79. 11); (X. 97. 23; 133. 5); and Yaju (XXXVI. 24) read with *Taittiriya* (II. 4. 1. 2) must have been recited by most scholars, poets, philosophers and politicians. But it needed a Valmiki to compose this elemental song of liberty; and he is so certain of the worth of his book as boldly to announce:—

आयुष्यमारोग्यकरं यशस्यं
सौभ्रातृकं बुद्धिकरं शुभं च ।
श्रोतव्यमेतन्नियमेन सद्भिः ।

आख्यानमोजस्करमृद्धिकामैः ॥ युद्ध० १२८।१२२

*Ayushyamarogyakaram yashasyam,
saubhratrakam, buddaikaram, shubhan cha,
Shrotavyametata niyamena sadbhir
akhyanamojaskaram, riddhi kamai* (*Yuddha*
CXXVIII. 122).

‘If the *Ramayana* is systematically studied with the wise, it removes physical ailments, prolongs life, increases fame, tends to increase brotherly feelings,

increases mental faculties, and is on the whole beneficial to man'.

Valmiki also calls it *ojaskar* and *riddi-kamai*, i.e., one that increases individual and national and international solidarity, and gives desired riddhi or power. - That Valmiki is aware of the principles of Economics not still understood in the West will be evident from (Aranya VIII. 8):—

अतिविराजते । अमार्गेणागतां लक्ष्मीं ॥

.....Ativirajate, Amargenagatan lakshminim.

'Whenever wealth is acquired by unjust means, it painfully asserts itself'.

Ram embodies in himself the highest water-mark of human conduct, the rule सत्यमूच्युर्नर एवा हि चक्रुः (Rig. IV. 33. 6). In politics he puts into practice the impracticable rule of the Machiavellian school, and the deed far above Kautalya Chanakya: यदन्तरं तद् बाह्यं यद् बाह्यं तदन्तरम् । *Yadantaram tad bahyam, yad bahyam tadantaram*: (Atharv II. 30. 4), he wears his mind in conformity with this rule, speaking out from his convictions, never taking shelter in lies, euphemistically termed policy statement. I have studiously avoided reference to European writers as witnesses to the value of the *Ramayan*, but those that may not be satisfied without one such witness may read Monier Williams: *Sanskrit English Dictionary*, page 878 (3).

Shri Gunde Rao Harkare in the second of the two articles in the *Madhurvani* referred to before, gives in his last para a list of the moral qualities of Ravan, and his vast learning. While Ravan was unjust to Ram in his speech before Marichi, Valmiki has the moral courage to paint Ravan as he was, at a time when Ravan was detested by the whole nation. But the psychological fact remains beyond controversy:

गुणा गुणज्ञेषु गुणा भवन्ति
ते निर्गुणं प्राप्य भवन्ति दोषाः ।

*Guna gunajyeshu guna bhavanti,
Te nirgunam prapya bhavanti dosha.*

The learning and moral virtues of Ravan could not save him when he chose the path of evil with full knowledge and eyes open. Valmiki therefore lays utmost stress and emphasis on moral qualities and truthful and just conduct. 'The mind and five senses are very sharp-edged and keen, uncontrolled they are creating conditions of unequalled depravity, but when constant vigilance is maintained they become peaceful' (Atharv XIX 9.5.). Otherwise he who is sensuous is unstable like the leaf of *figus relegiosa* (ashwath) (Yaju XII. 79). The lesson that Valmiki drives home is threefold: there should be ceaseless vigilance on one's senses so that they do not land him into trouble, one must be guided by learned men (Yaju XX. 25), and finally this conduct should be a life-long habit, not a momentary or periodical freak. Even the slightest lapse may prove

disastrous. This is illustrated by the history of three monarchs of vastly varying circumstances such as Dashrath, Bali and Ravan. Ram was helped by Rishis at every stage. Vasishta, Vishwamitra, Bharadwaj, Atri, Agastya and many more helped him materially and morally, with intellectual guidance, with supply of latest weapons, with spiritual ideals set before him in concrete conduct. There is only one path of peace and security—the path of love and objective obedience to moral law. Manu defines dharma in a way where moral law is given the proper place as the basis of all social security. Manu was the founder of the Ikshavaku dynasty. All honour is due to these great teachers, who laid down glorious traditions.

इदं नम ऋषिभ्यः पूर्वजेभ्यः पूर्वैभ्यः पथिकृद्भ्यः ।

Idam namah rishibhya purvajaiibhya purvai-
bhya
pathikradbhya (Atharv, XVIII. 2. 2).

To one who chooses that path victory is his, and success is his:

जितमस्माकम् उद्भिन्नमस्माकम् ऋतमस्माकं
तेजोस्माकं ब्रह्मास्माकं
स्वरस्माकं यज्ञोस्माकं पशवोस्माकं
प्रजा अस्माकं वीरा अस्माकम् ॥

{ Jitasmakam, udbhinnaasmakam, ritamasmakam,
tejo-asmakam, brahmasmakam,

Swarasmakam, yajyoasmakam, pashavoasmakam, praja asmakam, vira asmakam (Atharv XVI. 8. 1).

Viewed thus is not the victory of *lokabhiram* over *lokravan* an element of eternal and inexorable law of Nature?

यो अस्मै ग्रंस उत वा य ऊधनि सोमं सुनोति भवति दुमां अह
अपाप शक्रस्ततनुष्टि मूहति तनू शुभ्रं मघवा यः कवासखः ॥

ऋ० ५।३४।३

The rule cannot be sufficiently stressed that is laid down in the *Bhoomi Sukt* (Atharv XII. 1. 1.) viz.—(i) truth and justice that is relentless and not based on narrow concepts, (ii) eternal order, (iii) consecration, (iv) austerity, (v) knowledge, and (vi) devotion consisting of co-ordination and contribution to the material, moral and spiritual well-being of the society uphold the earth:—

सत्यं बृहदृतमुग्रं दीक्षा तपो ब्रह्म यज्ञः पृथिवीं धारयन्ति
शमित्यो ३ म

APPENDIX I.

JUDICIARY IN ANCIENT INDIA.

By

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I. Agni and Soma.

पश्चा न तायुं गुहाचतन्तं नमो युजानं नमो वहन्तम् ।
 सजोषा धीरा पदैरनुगमन्नुप त्वा सीदन् विश्वे यजत्राः ॥
 ऋ. १।६५।१
 Rig. Veda (1-65-1).

“As a thief lifts cattle and hides himself in a forest with food and arms, thoughtful and patient men tracing the footprints, reach near him.” This figurative description gives in a nutshell the duty of a Judge, in the decision of a *vyavahar* or a law-suit. The devta or the subject-matter of this hymn is Agni and the seer is Parashar Shaktya.

The word Agni has caused much controversy and the safest way would be to find its meaning from Ved itself and from the *Aitreya*, the *Shatpath*, the *sam*, and the *Gopath*, which, as *contemporanea expositio*, are entitled to respect. Now Rig. (VIII. 71. 12) says:—

अग्निं वो देव यज्ययाऽग्निं प्रयत्यध्वरे ।

अग्निं धीषु प्रथममग्निमर्वत्यग्निं क्षेत्राय साधसे ॥

ऋ. ८।७१।१२
 Rig. Veda (8-71-12).

It clarifies what is meant by the word, *viz.* —

1. Fire as used in individual *havan*,
2. Fire as used in congregational Yajya or in scientific experiments,
3. Intelligence,
4. Leader of men and also Soul,
5. Judge and Divine Being.

Some of the uses of the word Agni in the two books the *Vedic Kosh* of Hams Raj and the *Principles of Dharmashastra* by the author may be usefully read by those interested in the subject. Then there is the more elusive term *Soma*.

आ तू विश्व हरिमीं द्रोणस्थे वाशीभिस्तक्षताश्मन्यीभिः ।
 परि ध्वजध्वं दश कक्ष्याभिरुभे धुरौ ग्रहिं युनक्त ॥

ऋ. १०।१०१।१०
 Rig. Veda (10-101-10).

This hymn is explained in the *Nirukta* of Yaska-charya (IV. 19). The hymn clearly says that there are ten categories of Soma. But these are not detailed in the *Nirukta*. Probably the subject was well-known to the public at the time and did not need comment. Referring to the various meanings given in the *Brahmanani* we find (the various contexts in Ved itself confirm the view), that the following are the ten kinds of Soma, *viz.*,

1. Divine Being,
2. Physician and Judge,
3. Moon,
4. Devotee,

5. The herb known as Soma in Chikitsa-sthan, chapter 29th of Sushrut,

6. Food, curd and water,
7. Ved,
8. Sun,
9. Pitri and Pitri-loka,
10. Night.

It may be that the herb Soma also may be of ten kinds, as Sri Chandramani makes out, but Sushrut names twenty-four varieties and the famous Sanskrit Lexicon, *Amar Kosh* gives twenty names. The herb is not known to the physicians now for many centuries. The difficulty is accentuated by the fact that most of the names of the herb are also synonyms for the Moon. Lest it should be understood that these are the only meanings of the words Agni and Soma it may be clarified that these are the primary meanings, and the secondary meanings are derivable from these qualities. It is sufficient for our purpose to show that the popular misconception that the word Agni only means fire and that Soma is some strong drink is absolutely incorrect as regards Soma and materially incorrect as regards Agni.

2. RULES OF INTERPRETATION.

It is a fundamental rule of interpretation that words are always to be subordinated to the context. In Common Law as well as in Statute Law that rule equally prevails. It is a rule of universal application. It knows neither east nor west, nor poetry nor law. In a foreign tongue the words become more important and the context is often lost sight of. In a spoken

language this danger is minimised. When one speaks of a rain that it rains cats and dogs, no one will be so silly as to believe that the speaker thinks of a rain of *felis tigris*, of quadrupeds of canine species. "Will you marry me?" will similarly be understood in the context of the speech and may mean either an offer to marry the person addressed or getting married through him, to one who may be chosen by either parties or any one of them. Context, then, is the ruling consideration.

Secondly, all interpretation must be reasonable, that is, should eliminate absurdities and impossibilities. It is a remarkable illustration of this rule that is given in the *Shatpath* (II. 2. 2. 14) that no one can become immortal. What is meant by immortality, therefore, is that he shall attain full span of life. This rule is followed in *Mimansa*. In interpreting a passage in the *Brahmanani* that a yag extends to 1000 years, Jaimini holds that the ordinary meaning of the word Year does not apply in this context and it means one day. Normal human life is not one of a thousand years.

Thirdly, a text may be an express order (*shruti*), or an order may be implied or be extended by the rule of analogy (*ati-desh*). There may be a clear text or it may be merely an extension from some hint or the object of the law, or it may arise from the rule of reasonable interpretation. Extension by analogy shall not be:—

1. Allowed to vary the meaning of an express order,
2. Against an express order,

3. Unreasonable,
4. Regarding the literal meaning of a word,
5. Based on special provision according to settled rules of Mimansa interpretation.

Fourthly, there is a special rule of interpretation regarding the Vedic hymns, that each mantra has at least three kinds of interpretation: *adhi-bhautic*, *adhi-devic* and *adhyatmic*. The same hymn explains a physical phenomenon, a metaphysical fact or a spiritual or invisible effect. One word may have one meaning according to the interpretation of some aspect of physical phenomena, and may have an altogether different one in the spiritual sense. *Nirukta* of Yaskacharya abounds in illustrations of the three kinds. Even the *Brahmanani* sound a note of warning that it is the *adhyatmic* meaning that is intended.

Lastly, it must be always clearly borne in mind that most of the translations of the Veda, which are based on antiquarian and mythological methods do not give the correct idea. Any interpretation of the Veda must conform to the evidence collected from vedic texts themselves.

3. VARIOUS INTERPRETATIONS.

Yaska lays down the rule (VII. 1) as to the three kinds of interpretation hinted at above. Further he has given (XIII.7) the meaning of Rig. (IV. 58. 3). and his explanation is different from that of the one given in the *Mahabhashya*. But there is no contradiction in these interpretations. A comparison of the two will throw a flood of light on principles of interpretation.

चत्वारि शृङ्गा त्रयो अस्य पादा द्वे शीर्षे सप्त हस्तासो अस्य ।
त्रिधा बद्धो वृषभो रोरवीति महो देवो मर्त्या आ विवेश ॥

ऋ. ४।५८।३

Rig. Veda (4-58-3).

Chatwari shranga (four kinds of horns) is taken to mean the four Vedas by Yaska, and as *Nama*, *Akhyat*, *Upsarg* and *Nipat* or parts of speech in the *Mahabhashya*. *Trayo asya pada* (its three legs) as taken to be the three savan, the *dwai sheerish* (two heads) as creation and destruction of the world, while in the *Mahabhashya* they respectively mean the three degreed time, past, present and future and *nitya* and *karya*. *Sapt hast* (seven hands) to Yask means the seven kinds of poetical meters employed in Ved, and to the author of the *Mahabhashya* it means the seven *Vibhakti* in the Sanskrit grammar. *Tridha badh* (tied at three places) to Yaska means stuti, prarthana and upasana of Rig, Yaju and Sam; and to *Mahabhashyakar* it means the heart, throat, and the mouth, the organs employed in speech. It further elucidates the truth of Manu that all knowledge proceeds from Ved. (It will be of interest to note that this hymn is taken to refer to *Yajya* by the *Nirukta*, the *Gopath*, words in grammar by the *Mahabhashya*, poetry by Rajashekhar, Agni and Aditya by the *Sarwanukramani*, *Atma* and *Paramatma* by Dayanand Saraswati, and that does not exhaust the list).

There is yet another class of interpretation. For example, take Rig. (IX. 96, 6). The interpretation of Sayana is neither in consonance with the

context, nor is it reasonable, nor does it conform to the meaning as given by Yaskacharya (XIV. 13).

4. THE JUDICIARY IN ANCIENT INDIA.

This preliminary discourse would have given an idea that the common belief that Agni and Soma merely refer to fire and strong drink or deifications of silly poets of yore is unfounded. It should have put one on the guard on accepting any meaning. Now let us examine what is the ancient Indian concept of judiciary.

अग्नीषोमा यज्ञस्य पक्षावृषयः कल्पयन्तः ।

अथर्व ५।१।१४

Atharva Veda. (5-9-14).

“Agni and Soma are the two wings of yajya (human activity) this the wise seers have held.” In this context Agni means judiciary and Soma means the Veda or the law. The *Shatpath Brahman* (XIV. 4. 2. 26), and the *Brihad-Aranyak Upanishad* (I. 4. 14) in identical terms lay down the supremacy of the law:

तदेतत्क्षत्रस्य क्षत्रं यद्धर्मस्तस्माद्धर्मात्परत्रास्त्यथोऽवलीयांसमा-
शंसते धर्मेण ॥ शतपथ १४।४।२।२६, बृ. उप. १।४।१४

Satapatha (XIV. 4.2. 26). Brahadaranyaka Upanishad (I. 4.14).

“The law is the ruler even of the rulers and kings. Therefore there is nothing higher than law. With the aid of the law even a weakling overcomes the strong.” Shrimathi Sarojini Devi, as Governor of U.P., said in her inaugural address of Allahabad High Court, on 24th July, 1948:—“Law has no creed, Law knows no barriers between man and man, Law transcends all

inequities, and stands for humanity as the lighted torch of righteousness.”

After the election of the Head of a republic his installation ceremonies (*Abhishek*) began. These are given in the *Shatpath* (based on Yajur Ved). Dr. K. P. Jayaswal in his book *Hindu Polity* has described the procedure, but the passage in (V. 4.2.3) misled him. It reads: Soma asmakam bramhananam raja.

सोमोऽस्माकं ब्राह्मणानां राजा ।

This text is based on Yaju (X. 18). The normal society needs a Protector, King, Sovereign, President, call him any name you will. But there is in every society recognised or unrecognised, a group of men who are not led by the law of the land, but are guided by inner light. Recently Indian history provided the glorious example of Mohandas Karamchand Gandhi. Kavindra Ravindra called him Mahatma. There are alive men who either took part with him or witnessed him offering Satyagraha. To men like him is given the fateful duty to find out unjust orders and to get them repealed or suitably amended. This group is governed by a higher and nobler law than that devised by man. In the apt phrase of Acharya Vinobaji they are *shasan-heen* or if you like the English term Anarchist. These *shasan-heen* men governed by the inner law were loosely called Soma, and Ved the supreme law was Soma. In this connection Rig. (X. 71. 10) may be read with the *Aitreya* (I. 13). The hymn of Yaju and the *Shatpath* emphasise the fact that the real King or Protector is He whose command is for ever obeyed. Rig. (VIII. 21. 18) and Yaju (XXXVI. 8.), say:

चित्र इद्राजा राजका इदन्यके ।

“He is the wonderful Ruler, the rest are merely principalities.”

Rig. (IV.21.10) similarly says:

इन्द्रः सत्यः सम्राट् ।

“the Almighty is the true King.”

And Yaju (XVIII.29):

वयं प्रजापतेः प्रजा अभूम ॥

“We are the subjects of the Almighty.”

What was therefore intended was that to the rest of the people the earthly King is the highest of authority, but to Brahmins Soma, i.e., the Almighty or His Book is the final authority.

Acharya Sayana, Shri Shripad Damodhar Satwalekar, and Shri Jayadev Vidyalkar did immense service, each in his own way. But none of them tried to give the judicial side of the provisions of Ved. Swami Dayanand Saraswati here and there gives just a hint. He did not live to complete his work. Yaju and portion of Rig he could complete. Shri Satwalekar in his *Subodh-Bhashya* of Atharv is compelled to admit that he is unable to follow a large portion of the text. He stops with the first eighteen chapters, and does not touch the last two. Sometimes he admits that there is some penal provisions and his explanation of the terms *Brahm-Jaya*, *Brahm-Gavi* and *Vasha*, portions dealing with political and judicial matters is hopelessly inadequate. In 1953 S.C.J. 181 at page 195 of the journal section occurs a passage which was noticed by a few

friends who asked the writer to complete the picture. For the International Law Conference to be held at Delhi this paper was intended. The idea underlying this pioneer effort is to pay that Rishi-Rin (ऋषि-ऋण) which we owe as men to advance the cause of research, and presentation of Truth and Dharma.

5. WERE AGNI AND SOMA JUDGES?

Were Agni and Soma Judges? The question naturally arises in the mind of every one, for a study of this topic was never attempted, and even those who are scholars feel no little surprise. There are three types of thought relating to judiciary in ancient times. (1) There was no need for a judiciary as there were few causes and add to it the people did not like to go to Court. (2) It had no powers and the jurisdiction could have been no better than that of a panchayat in villages that still survive. (3) The judiciary is the last word, and at the dawn of history could but have some rudimentary development, if any. We are grateful to Justice Sri Mehr Chand Mahajan for his suggestion that in Ancient India, to quote the Nyayamurti, “The Hindu Kings were proud of saying that there was no thief, no robber, no liar, or no dishonest person in their kingdom. That being so, I suppose they did not require any Courts of Judges to decide cases if there were no litigants. That, I suppose is the true conception of society.”

The Nyayamurti briefly refers here to those glimpses of history which shine forth from the sacred writings of Rishis of old. For example in the

Chhandogya Upanishad (Uttar V.11.5) where king Ashwapati says: —

नमे स्तेनो जनपदे न कदर्यो न मद्यपो ।

नानाहिताग्निर्नाविद्वान्न स्वैरी स्वैरिणी कुतः ॥

“There is no thief in my republic, no miser, no drunkard, no one who does not perform agnihotra, no illiterate person, no man or woman with loose morals.” (Valmiki speaking of Dasharath in Bal. VI.8 to 12 gives similar political progress of the society at Ayodhya). Then there is the description of Dileep in the *Raghu Vansh* of Kalidas. (I.18), that he used to collect the taxes only to spend the revenue a thousandfold as the Sun collects water to rain it back. In (I.24) is given the threefold duty of King Dileep as Education, Guidance, and Protection like a father, and as to his policy of punishment, it is said that all those who deserved punishment were awarded punishment (I.25); in (IV.8) Raghu is described as *Yukta danda* or neither harsh nor mild in awarding sentence. Of King Dasharath the description occurs in (X.I). We shall not detain the reader with the rules that governed Maryada-Purushottam Shri Ram, for that will require an independent book by itself.

Coming next to the evidence of foreign travelers, the account given by Arrian will here suffice:—

“They are remarkably brave; superior in war to all Asiatics; they are remarkable for simplicity and integrity; so reasonable as never to have recourse to a law-suit, and so honest as neither to require locks to their doors, nor writings to bind their agreements. No Indian was ever known to tell an untruth.”

This state of affairs was brought about by a powerful and independent judiciary.

The other aspects need not detain us here. Let us see the duties of Agni and Soma to see if they are judicial officers.

देवो देवानामभवः शिवः सखा ।

“Wise, friend and harbinger of happiness to the wise.” Rig. (I.31.1).

वैश्वानर ज्योतिरिदार्याय ।

“Vishwanar is the giver of light and life to the civilised.” Rig. (I. 59.2).

राजा ।

Agni is the protector. Rig. (I.59.3).

विश्वकृष्टि

Agni is the leader of all people, who are as his own. Vide Sayana and Dayanand on Rig. (I.59.7).

यजिष्ठ

He performs the highest sacrifice, the activity that regulates social activity. Rig. (I.77.1).

जागृवः

He is watchful and wakeful. Rig. (VII. 5. 1).

According to Rig. (VII.9.3) he is wise, independent, friend, cause of happiness. Atharv. (I.7) lays down some of the important duties of the judiciary, viz., (1) correction of those that are *Yatudhan* or *yatu-man* offenders, (2) *atrina* or those that are misguided or enjoy the property of another, (3)

kimidina the proud or the harmful men. They confess their guilt before him and Agni punishes them. Rig. (X.5.7) may also be read.

Sam (Poorv. VI. 1, 2. 6 and 8) is interesting reading:—

अनुप्रवास आयवः पदं नवीयो अक्रसुः ।

रुचे जनन्त सूर्यम् ॥

The man who invented the wheel of a chariot, that put steam to the use of driving a carriage, who first used iron rails, the first user of chloroform, Florence Nightingale who devoted herself to the care of the diseased, and many more are examples of men, of those that create a sun or light and life and lustre. But greater than all these put together is the Munsiff-Magistrate in a village, who faced with truth, half-truth, untruth, and absolute lie, gives a just judgment and brings peace and progress, and contentment and solidarity in society. He and men of his class are creating a Sun—a Judge, forgetting past prejudices, putting back his personal inclinations, discarding social and political bonds, gives a judgment that Truth (Dharma) may thrive, is creating a Sun. Vivian Bose, J., did it in the case of Vimlabai Deshpande;¹ Fazl Ali, and Mahajan JJ., did it in the case of A. K. Gopalan.² Patanjali Sastri, C.J., did it in the *habeas corpus* petition for the release of Dr. Shyam Prasad Mukherji.³ Foreign law furnishes a history of judicial reticence, when Judges were unable to get over past prejudices and best measures were crippled and reforms nullified. Those

1. A.I.R. 1945 Nag. 8.

2. 1950 S.C.J. 174.

3. 1953 S.C.J. 326. Read also 1952 S.C.J. 253 V. G. Rao.

that believe in and act up to the rule *fiat justitia ruat caelum*—are creating a Sun every moment—

रुचे जनन्त सूर्यम् ।

There may or may not be any record of their glorious deeds—just as we have none about Ancient Indian Judiciary—but the mental outlook and broad-basing of freedom is in itself a landmark. They are all forging a *Madhu-Kasha*, or Words of Honey, according to Yaskacharya (IX. 19) where the word *Kasha* is said to mean *Vak*; or a Whip of Honey, for *kasha* also means *Ashwajani*; instilling the feeling among the people that the Government is their Government:

ईशां वो वेद राज्यं (अथर्व ११-१०-२)

Atharva Veda (XI. 10. 2).

Agni and Soma indicate the purifying and immortalising characteristics of justice, spreading light, and life, and warmth and sweetness. Not that as is more often in evidence, every party and every lawyer should be scorched or burnt or consumed to ashes, by the fiery temperament of the occupants of the august chair for the time being, nor behave like diminutive Nadirshah, in the words of Dr. K. N. Katju. There are men and men. Some regard the lawyer in the light of an unnecessary and unwelcome, and, therefore, un-mixed evil; others think of him as a necessary evil of this evil civilisation; a few there are who concede to the advocate his proper role as part of the machinery of justice. Not the whole of the meed of praise falls to Judges in the present set-up—indeed in order to get a few able Judges on the Bench there needs must be a larger number of abler lawyers at the Bar. Pandit Jawaharlal Nehru in a lighter vein

said that he was not afraid of the judiciary but he was afraid of lawyers. He was giving expression to a great truth. Lawyers like late Mahamana Madan Mohan Malaviya, late Pandit Motilal Nehru, late C. R. Das and late Dr. Tej Bahadur Sapru were powers to reckon with. They could stand comparison with the best representatives of the British Bar favourably.

There is another problem here; do the words Agni and Soma not indicate the King? Sri Lakshmanshastri Joshi the learned compiler of the *Dharmakosha*, under the title *Sabha* cites Rig. (VII. 49. 3) —Atharv (I. 33, 2), and by giving it the sub-heading Raja-Pradvivak, seems to suggest that Varun means the Chief Justice. The gloss of Sayana cited by him does not bear him out. Varun is used, as is the word Indra, for Sovereign. It should never be confused with the judiciary. Similarly Agni and Soma do not mean the Raja. Referring to a passage of the *Shatapath* and the hymn of Yaju we have said that even there the word Soma does not refer to any earthly Monarch. It means either the sacred text of Ved or Divinity. In accordance with our legal ideas it is the test of the *suprema lex*, that is of unchanging character called *akshar* and respect to it is essential. Manu lays down that it is the denial of the text of Ved that makes one Nastic, *Nastiko ved nindaka*. The text referred to by Lakshmanshastri Joshi only means that even the Raja cannot singly decide any law suit. We have said elsewhere that the ancient Indian law did not contemplate adjudication by a single man. There is a minimum quorum of four. Otherwise it is not dharm or a judgment of a Court of law.

This brief outline will suffice to show two matters, firstly, that the words Agni and Soma do not mean merely fire and strong drink as alleged by some; secondly, that the words connote officers charged with judicial duties.

6. QUALIFICATIONS OF THE JUDICIARY.

The questions of the qualifications of the judiciary, the emoluments and the duties of the office will be of importance, practically these points would help solving the future of the judiciary in India, and would be a corrective of the view that is held now in the West. Thirdly, it will throw a flood of light how independence of judiciary was sought to be achieved.

As remarked by the Rt. Hon'ble Sir John Viscount Simon, Lord High Chancellor of Great Britain, in his book *Comments and Criticisms*, at page 177:—"Law is not the whole of life but, deeper than that, beyond that, is the promotion of respect for others' claims, even though those claims have not a strictly legal basis." Now it is remarkable at this stage of our national development to be told that not rights but obligations formed the basis of judgments in the past. Dharm or the duty it was which had to be looked to. Oriental scholars are fond of saying that in Ancient India there was no bifurcation of positive law and moral and religious precepts. They forget that in elevating the International Law they are trying to do to-day that which had been accomplished thousands of centuries ago, peacefully and quietly. Life cannot be divided in watertight compartments, nor could happiness. The inroads of legislatures in fields considered sacrosanct in the West until recently would have turned men

mad if they were to consider them after getting up as from a trance, say after 1850. Early Victorian politicians would have looked at these laws as complete denial of liberty. Similarly in the United States of America the framers of the Constitution would never be able to reconcile themselves to the, what would be to them, perversion of the laws. Human needs, at least the more essential of them, are common. But it does not follow that identical means should have been employed at all times, in all places, in all ages.

The qualifications of the judiciary will have to be looked at from this broader point of view.

Now these qualities may be briefly examined:—

(1) सत्यो यज्वा कवितमः स वेधाः ।

Judge should be satya, i.e., both truthful and just, one that performs the best deeds habitually, utmost thoughtful and possessed of knowledge of law. Rig. (III. 14.1).

(2) युवा कविः पुरुनिष्ठ ऋतावा ।

धर्ता कृष्टीनामुत मध्य इन्द्रः ॥

Young, thoughtful, controlling all, just, upholder of society, shines in the centre of the people. Rig. (V. 1. 6).

(3) अग्ने कविर्वेधा असि ।

Agni is thoughtful and learned in law. Rig. (VIII. 60. 3.).

(4) कवि i.e., thoughtful, Rig. (IX. 14. 1.).

(5) विचर्षणि specially observant. Rig. (IX. 40.1.).

(6) क्रतुवित् । he knows his duty. Rig. (IX. 63, 24.).

(7) विप्रो अभवः अङ्गिरस्तमो ।

learned, specialist in law. Rig. (IX. 107. 6).

Atharv. (V. 27. 1 & 2), (VII. 3 & 4) and (XIII. 1 & 2), lay down important qualifications of the judges. Within the brief space of a paper it is not possible to enumerate them all. Only some salient features could be touched here. It may be remarked here that it is with reference to Atharv (VIII. 3) that Sri Satwelekar has said that it contains penal provisions; and Sri Priya Vrat, Ved Vachaspati, Acharya and Vice-Chancellor, Guru-Kul Kangri University, speaking of Atharv (VIII. 3 & 4) says that they contain the legal provisions of the highest order.

Agni is *rakshoha*, he puts down trouble-shooters; he is *mitra*, a friend of all; he is *prathishth*, revered; *shishan* or full of light and radiance; *kratubhi-samidha* or habitually performs noble deeds; *jatved* or learned; *sharva*, destroyer of enemies; *prateech* ready to face all inconvenient situations. Agni is *kavi* or thoughtful; *sakha* or friend of the down-trodden; *ajar* not affected by age; *amrat* gives permanence to society; *vipra* or the protector of people (vide Shatpath I. 4. 2. 7 and VII. 3. 1. 16) and visionary; *sahasya* or patient; *brahm-sanshita* governed only by law; *shukra* or pious; *shochi* and *shuchi* himself purified he purifies others; such a being is naturally and necessarily *iedya* or honourable. Atharv (XIII. 2. 43 and 44) says that judges should be *gatuvid* or those who are learned and know the motive forces of human activity (Shatpath IV. 4. 13); *nadhmana* or vigilant; who know the vigilant men; men whose eye will never be ashamed or winking,

conniving or tolerating any improper act. Finally,

इदं शृणोतु यदहं ब्रवीमि ।

he is able to hear all and understand it as it is presented to him. Chief Justice Vivian Bose (at Nagpur High Court) unveiling a portrait of Justice Sen observed that any Bench on which Justice Sen sat heard all cases with utmost patience, and regardless of time, and came to be known as Royal Bench. But sometimes it does happen that some Judge may not be able to follow a particular line of argument. Even that is a defect in the judiciary. One may not approve an argument, but patient hearing and appreciation are essential qualities of a judge.

On the question of the relative merits of the judiciary as laid down here and as conceived of, for example, in British Judiciary, we shall say nothing. Comparison is always odious. But few will doubt that if these qualities are borne in mind by the appointing authorities in the selection of lower and higher judiciary it will certainly raise the standard of work throughout the country.

7. SOME DIFFICULT PASSAGES.

Interpretation and construction even of a statutory provision in a spoken language sometimes created and does create difficult situations and Judges have complained about it in no uncertain terms. It is no wonder therefore if Vedic hymns offer difficulties to the normal man. Atharv is peculiarly difficult, for the application of the hymns is matter of dead past, and it contains mainly rules about Ayurved, Adhyatma vidya, higher political philosophy and allied subjects. Shri Priya Ratna Arsh devoted

his life to certain questions and brought out three important books: *Atharv-vedeeya-chikitsa-shastra*, *Atharv-vedeeya mantrabidya* both published in 1941 and *Yam-pitri-parichaya* in about 1934. Shri Acharya Dev Sharma Abhaya wrote a book on the Brahm-Gavi Sukta entitled *Brahman-ki-Gau*. In the Oriental Conferences certain papers were read on Judiciary. Eminent writers in the Tagore Law Lectures series devoted a lot of space to Endowments and collected original authorities, but so far many thorny problems remain untouched. Mention here may be made only of three, viz.:—

(a) Atharv (V. 17) Brahm-jaya,

(b) Atharv (V. 18 and 19) and (XII. 5), Brahm-Gavi.

(c) Atharv (X. 10) and (XII. 4) Vasha.

Of these the most misunderstood groups of hymns we are not concerned with the Brahm-jaya sukta for the present, except for (V. 17. 9):—

ब्राह्मण एव पतिर्न राजन्यो न वैश्यः ।

तत स्मूर्यः प्रब्रुवन्नेति प्रज्जभ्यो मानवेभ्यः ॥

“Lawyer alone is the protector, neither the king and the military class nor the commercial class; this the Sun declares as it rises to the whole world.” Now the word Narad means jurist and lawyer, the word Brahman is used again and again in Vedic literature sometimes for physician, sometimes for lawyer, and sometimes as a generic term for the learned. Manu also uses the word for lawyers.

It may be said in passing that the Brahm-Gavi Sukta refer to the Freedom of Speech. In our book on the Constitution of India that subject is sufficiently discussed.

The hymns dealing with Vasha lay down the law as to what is now known as *Bhoodan-Yajya* or the Land-Gift. History teaches a grand lesson. Alexander the Great, Julius and Octavius Caesar, Hannibal, Changhez, Timur, Alamgir, Nadirshah, Napoleon, Czar of Russia, Kaiser William II., Hitler, Mussolini, Emperor Hiro Hito and many lesser beings tried to grab portion here and portion there of this Avasha-Vasha. According to the *Shatpath* (I.8.35) and (V. I.3.3.) vasha means earth. Only the salient points of two sukta could be summarised here.

1. Land if withheld affects praja and pashu, progeny and the animals as also the public.

2. Land not gifted but needlessly detained is the cause of the harm to the person.

3. No land which lies fallow for three years should be allowed to remain in the possession of the person.

4. For justice, for tradesmen and for labour rehabilitation the wise ask land-gifts.

5. This earth is the property of the lawyer, and must be willingly donated when he asks for it.

देवा वशमयाचन् मुखं कृत्वा ब्राह्मणम् ।

The learned ask for land-gifts through lawyers.

6. When Earth so desires the learned rise up and ask for her.

7. There are three types of vasha—in physical possession, in constructive possession through an agent, in commercial or trade or agricultural use.

It may be noted here that in (XII.10.26) the term Agni-shoma occurs which is equivalent to justice. Individuals who are qualified could accept gifts for themselves. This is made clear in (X.10.2). Justice Dr. Mir Siadat Ali Khan refers to the question of land as a great modern problem, which defies all solutions. It could be made *res communis* as urged by some. But a trial may be given to the system here sketched from the Atharv. How the judiciary exercised these powers we have no historical data. But it did exist and that with very good results the testimony of old rishis and foreign travellers will easily establish.

8. DUTIES OF THE JUDICIARY.

The words Indra and Varun also mean the Sovereign. The words Agni and Soma mean the judiciary. A closer examination of hymns to these devta is necessary for a proper appreciation of the problem. Then must follow a study of hymns to Agni-Shoma and Indra-Soma.

For facility of reference selected hymns are listed below :—

Agni Shoma—Rig. I.93. 1 to 12; Rig. X.19.1; Atharv. VI.54. 1 to 3; Atharv. VI.58.3; Atharv. VI.93.3; Atharv. VII.114. 1 to 2.

Indra Soma—Rig. (II.30.6); Rig. (VI.72. 1-5); Rig. (89.5); (X.124.9). Atharv. (VIII.4. 1-25).

It may be borne in mind that it is not the judiciary alone that is charged with the duty to dispense justice but the Sovereign also is responsible for it.

यासां राजा वरुणो याति मध्ये
सत्यानृते अपवश्यन् जनानाम् ।

“The king sitting in the centre examines the true and false and just and unjust among the people”. Rig. (VII.49.3), Atharv. (I.33.2). Acharya Sayana in his commentary on Atharv is very clear in this aspect of the matter. The words *satya* and *anrat* are to be interpreted in the light of the *Shatpath*. (XIV.4.2) and *Brihad-Aranyak Upanishad*. (I.4.) where *satya* is said to mean *dharm* and *dharm* is synonymous with *satya*.

सुनीतिभिर्नयसि त्रायसे जनम् ।

Rig. (II.23.4) is also important. It lays down the dual ideal of justice. On this Acharya Sayana has to say:—“*sunitibhi shobhanam nitayo yeshu te sunitaya sanmarga tai*”

सुनीतिभिः शोभनं नीतयो येषु ते सुनीतयः सन्मार्गा तैः ।

(1) जनं त्रायसि अपेक्षितफलं प्रापयसि ।

(2) त्रायसे जनमापद्भ्यो रक्षसि च ॥

i.e., “by good policy like a correct approach lead people giving them the proper fruit of their conduct and protecting them”. The passage put here in Roman script and repeated in Sanskrit, lays down the means. Both the means and the two ends are thus indicated. This is equally emphasised by the *Smriti-kars*.

Of the duties of the judiciary some important ones may be briefly examined.

1. According to Rig (IX. 14, 2) *soma* is धर्णसिम or the protector par excellence. (I. 1. 8) calls it ऋतस्य गोपा । i.e. Agni is the power entrusted with the maintenance of Law.

2. He is the old spirit of all human activity, he gives and maintains the country, he gives and protects the people, the nation exists as such because of him, from him all power and sustenance or food is derived.

गोषा इन्द्रो नृषा असि अश्वसा वाजसा उत ।
आत्मा यज्ञस्य पूर्य ॥

It may be pointed out here that the word *go* is used for the earth, and the *Nirukt* fortifies the view further; similarly the word *ashwa* means according to the *Shatpath* (राष्ट्रमश्वमेधः) (XIII. 2. 9. 2) (XIII 1. 6. 3) *rashtra* or the nation.

3. Judiciary was the most independent and powerful arm of the state. Its protective power was in evidence.

अजीतये अहतये पवस्व स्वस्त्ये सर्वतातये बृहते । (ऋ. ९।९६।४)
(Rig. IX. 96.4)

वज्रः सहस्रसा भुवत् । (ऋ. ९।४७।३) (Rig. IX. 47.3).

4. To the people the judge is the real raja.

विशो राजेव सीदति । (ऋ. ९।७।५)

(Rig. IX.7.5).

There are many aspects of this untouched subject which would take up a whole volume. These indications may suffice here.

9. THE RULE OF LAW.

According to Rig. (V. 87.7) offences against the administration of justice are the most heinous; be the offender the member of the judiciary or the exe-

utive or for that a public man. Then the golden rule is thus laid down:—

यत् संयमो न वि यमो यन्न संयमः ।

इन्द्रजा सोमजा आथर्वणमसि व्याघ्र जम्भनम् ॥

(1) when brought under the rule of law, there should be no further control (2) but the control should continue if not so brought under the control of law; that is the inviolable rule sanctioned by the executive and the judiciary. (Atharv. IV.3.7).

Similarly, Atharv. (III.26 and 27) lay down important rules, Shri Satwalekar in commenting upon them says that Samajik Jambh is nothing but the Nyayalaya or the Court. To the path of progress the *adhipati* or the final controlling authority and *ishav* or the indicia is the judiciary. In the Vedic Vang-maya Apah (आपः) means the people. And Varun is the raja of these, the elected *nratam*, the best representative of them. The *Shatpath* lays down that after his installation as raja (abhishek) he is mildly beaten to indicate that he is thenceforth *adandya* or not liable to physical corporal punishment. But as Manu (VIII.3.36) clarifies it even the raja is not immune from punishment by fine. While the raja is not to be punished corporally he may be deprived of the power which he misuses. There are many instances of the rajas having been so deprived.

We have given elsewhere a passage from *Shatpath* and the *Brihad-Aranyaka Upanishad* to show the majesty of the law. That is equally high a tribute to the glory of the judiciary. At present at Sanyas are recited the hymns from Rig. (IX.112-114). The seer of 112 is Shishu and of the last two sukta it is Kashyap. We are inclined to the view that

these three sukta refer to the judiciary and its ideals. In the *adhyatm* the word Soma would mean Divinity. Soma is the devta of the Mandal. There are nineteen hymns in these last sukta of the Mandal. Sometime we hope to give a detailed commentary along with the translation. Suffice it to say that the underlying main idea is the resolving of the conflict of variety of interests, and in this the judiciary must feel itself as an agent of the Divine.....

(इन्द्रायेन्दोपरि स्रवः): Indraya-ndoparivavah and unless this interpretation is accepted some of the hymns do not yield any intelligent meaning. The result was peace and plenty, and love and service, as recorded by the rishis of old and referred to by His Lordship Justice Mahajan.

Atharv. (IV.36) sets out some of these provisions in clearer detail. The devta is *Satyaja Agni*.

10. RIGHT OF APPEAL.

Under the present system of law in Britain and in India the right of appeal must be granted by statute either expressly or by implication, see for example L.R. (1913) A.C. 546. But under the Ancient Indian Law the right of appeal was guaranteed. A learned friend for whose opinion we have utmost respect took objection to the use of the word Apah (आपः) for the people. According to Sanskrit Grammar one is singular, two is dual, and plural means at least more than two. According to the *Mimansa* in religious ceremonies plural is meant to indicate not more than three. In common language also this rule is often observed. For example when the poet says *Raghavan-ahu* what is meant is that only Ram, Laxman, and Bharat are to be called, not

the fourth. Hence rule in *Mimansa* would be satisfied if three authorities are cited for the proposition. That will make the matter clear.

The *Taittiriya* (III.2.5.2) uses the word in the sense of the people. And following it Acharya Sanyana in interpreting Rig. (VII. 49.3) and Atharv. (I.33.2.) where the devta is Apah gives the meaning of the word Varun as raja and takes the hymn to mean the dispensation of justice. Now it is a fundamental right of the people to get the judgment of the raja that is provided for. Similarly it provides for open court, and open enquiry.

Among the modern authorities Acharya Priya Vrat, in his remarkable book *Varun-ki-Nauka*, speaking of Atharv. (VII. 83.1) renders the word Aapah as people. He gives the *Shatpath* and Dayanand Saraswati as his authorities.

In rare cases the raja also exercised original jurisdiction. That is a practice of long standing in the East.

That there are many Agni is evident from many passages of Ved. Rig. (I.26.10), (III.24.4), (V. 6.6) and (X.88.18) may be read together. It is very difficult to say what were the gradations of courts at the time, nor are these matters dealt with in the literature of the period.

One subject will be of interest to lawyers. The rule of direct and best evidence dates back in India, as records now stand, to at least the period of the *Shatpath*. Vide (I.3.1. 27-77) and (XIV.8.15.5).

When truth and untruth and justice and injustice are face to face competing for priority, the judiciary had only to uphold what was true and just.

सुविज्ञानं चिकितुषे जनाय

सच्चासच्च वचसी पस्पृधाते ।

तयोर्यत्सत्यं यतरद्वजीय-

स्तदित्सोमोऽवति हन्त्यासत् ॥

Rig. (VII.104.12) and Atharv (VIII.4.12).

10. VRATYA AND AGNI.

Apte in his Practical Dictionary gives the current meaning of the word vratya. (Monier Williams does refer to Atharv. (XV. 8. 1. and 9. 1) and says Vratya is identified with the Supreme Being. History of words is a pleasant study, and for a lawyer it is very important. The word vratya is used in Atharv. (XV) where two hundred and twenty hymns lay down the duties of vratya, and duties towards him. They lay down that a vratya has to dedicate his life to the study of Ved and the service of God in the service of His creatures, (Atharv. XV.3.7). A vratya could not own any property (Atharv. XV. 2.3-8). He was bound to help the executive and the judiciary and guide them. (Atharv. XV.14). He became the embodiment of Vishwa or the universe. (Atharv. XV. 18). No scheme of work could be undertaken, whether private or public without first consulting him if he was by. For these services he could claim only food and raiment and rest during the night for one to four nights at one place. (Atharv. XV.13).

It was a vratya having these noble duties to discharge who had to keep the various departments of Government under control. But it was during the

period of the *Tandya Brahmin* (XVII.1.2) that the position of these people went down. It says, they neither observe celibacy, nor plow the field nor set their hand to any useful trade. During the period of the existing Smritikars their condition had become that of illiterate journeymen. See, for example, (Narad II.159), and (IV.332) and the *Mitakshara* (II. 112).

What a fall was there?

11. AGNI AND PITRI.

The subject of Agni and Yam and Pitri is important from the point of view both of religion and of judicial administration. But the latter aspect is hopelessly neglected, and the former is full of thorny controversy. The views of Mahamahopadhyaya P. V. Kane may be seen in his booklet the *Vedic Bases of Hindu Law*, as to Pitri and Shradh. There are many books on the religious controversy, but the net result of modern researches may be summed up briefly.

1. Rig. (X. 14, 15, 16, 135, 154),

2. Yaju. (II.31-34),

3. Atharv. (XVIII),

these are mainly concerned with the problem.

4. According to Atharv. (VII. 12) the members of the Sabha (the jurymen) and the Samithi (the State Council) were called Pitri as we now call the members of the Municipal Corporations as city fathers and Mahatmaji is revered as the father of the nation.

5. The controller of Pitri is Agni, or the judiciary.

He has to keep a complete record of their whereabouts and sends them on various assignments.

A more detailed account will involve the reader unnecessarily in matters which require detailed treatment.

12. PRAYASHCHIT.

Not only judicial judgments but also prayashchit for purification was necessary. Atharv lays down some important provisions as to prayashchit. Suffice it to say that it was the Brahmins who had to guide this social duty.

13. EMOLUMENTS OF JUDICIARY.

The question of emoluments of the judiciary is also of importance.

Judges, Lawyers, Teachers, Physicians, Research workers, Reformers, Leaders, Religious leaders of thought,—in short the spearhead of the society,—were styled Brahmins. It was essential to keep them from want and simultaneously to keep them from external influences. It was essential to keep them to their work unattached to this or that group. It was essential to keep them in touch with the masses, to make them realise their daily sorrows and pleasures, their means of livelihood, their methods of life. According to President Jafferson, Liberty is a plant of delicate growth, and requires human blood, as manure. This should be clearly recognised. But what form it shall take is a different matter. This was conceded in the earliest of the Vedic Vangmaya, a commentary, on the Sanhita of Yajurved known as the *Shatpath*. In his wants, instincts, animal

instincts, man is no higher than an animal. At that stage he is a *pashu*. (Atharv XI, 2, 9), enumerated him as among *pashu*. And the *Mahabharat* says:

आहार निद्रा भय मैथुनं च ।

सामान्यमेतत् पशुभिर्नराणाम् ॥

So far as eating, sleeping, fearing, mating go, they are common to beast and man. But if society is to progress this *pashu* must be sacrificed.

जीवमेव देवानां हविर्भवत्यमृतममृतानाम् ॥

“the wise are living beings, the sacrifice to them is also a live one,” *Shatpath* (III. 8. 2. 4).

स्तेत्पशुं गन्ति यत्संज्ञयन्ति यद्विशासति ।

“education and discipline is a kind of death which is essential to make a man of him,” *Shatpath*. Therefore an *Aristocracy of Service and Suffering* had to be created. That was the Brahmin. They have to habituate themselves to the most rigorous, physical, mental and moral discipline. Unlike a *Vratya*, the position of Brahmins was most insecure. (Atharv. XV. 13. 11-13) lays down that an *Auratyā*, a *Vratyabruva*, and a *Nam-bibhrati*, i.e., disabled among the *vratyā*, a mere imposter among them, and one still unable shall be given food and water and shelter. But in similar circumstances the Brahmin would not be entitled to similar treatment. They had to bear in mind the inexorable law of nature:—

धर्मचर्यया जघन्यो वर्णः पूर्वं पूर्वं वर्णमापद्यते जातिपरिवृत्तौ । अधर्मचर्यया पूर्वो वर्णो जघन्यं जघन्यं वर्णमापद्यते जातिपरिवृत्तौ ॥

Vide *Apastamb* (II. 5. 11. 10-11), and to the same tenor is *Manu* (X. 65).

Rishi Patanjali, the author of the *Yoga Darshan* and of the *Mahabhashya*, a renowned book on Grammar, says in the latter book:—

तस्मिन्नार्यनिवासे ये ब्राह्मणाः कुम्भीधान्या अलोलुपा अगृह्यमाणकारणाः किञ्चिदन्तरेण कस्याश्चिद्विद्यायाः पारगास्तत्र भवन्तः शिष्टाः ।

“In this country, the home of the Aryans, those honoured Brahmins are considered to have authority in these matters who do not store grain for more than six days’ use, are entirely untouched by the craving for lucre, who do not accept gifts on any account, and who are perfectly efficient in any department or departments of learning.” (Shri Swami Bhumanand Saraswati, in *Voice of the Vedas*, page xciii).

Free from public charities, not taking anything from the Government of the day, remembering that even the greatest minds in times of crisis of national importance might feel *Arthasya purusho dasah*, and like another Bhishm Pitamah may be forced to act contrary to his convictions, and with the personal daily experience of pinch of poverty, and the certitude that it is easier to die at one explosion as in *sahamaraṇ* practised in the Middle Ages by the widows, and a life of torturous discipline is another thing, these Masters chose the path unshrinkingly.

Nyayamurti Shri S. Varadachariar, in his lectures published under the title *The Hindu Judicial System*, has a lot to say on this aspect. Those interested may refer that mine of information.

We cannot forego the temptation to add just one more important piece of evidence from an independent source.

"At the proper time of the savana, Soma came to Zarathustra who was consecrating the fire for the sacrifice and was reciting the Gathas. Him Zarathustra asked, 'Oh man who art thou whom I see resplendent with the lustre of immortality, and the best of embodied beings.' (Avasta, the 9th Yasana of Haom yasta, in Bhumanand Saraswati cited at page evi).

14. JUDICIARY AND CODIFICATION.

Codification is a modern Continental concept. The vast body of British Common Law is still uncoded. A perusal of Halsbury's Laws of England, and the Statutes of England will prove revealingly that, as Tennyson described it, in Britain "Freedom slowly broadens down from precedent to precedent."

If in codification general principles are laid down and the judiciary is left to decide the matter unhampered by hide-bound forms, the result is the achievement of real justice according to the merits of the case. The greater the detail the greater the resultant injustice. Uniformity of law is one thing and identity of law another. Were all men deprived of their faculty of thought, denuded of ages of culture, so metamorphosed as not to use their mind, they had no motives at all, in short, if men were to be manufactured in identical casts, not as human beings but either as angels or dolls, uniformity of law and identity of law would make no differences. What is the aim of law? Is it to do justice between man and man or is it to square the matter, justice or no justice? A great Maratha poet sings,

Niyaman manuja sathi, manav nase niyamana sathi.

"All laws are intended for men, men are not created for laws."

Codification in the modern sense is out of question in the two systems of Dharmashastra and Muslim Law. In these systems legislative power does not vest in the Monarch, sovereign, or any other person or body of persons. Jurists made important contributions to law, no doubt, and both these legal systems developed highly, on different lines.

The judiciary in ancient India was free to do real Justice. So much so that the two words judge and law were interchangeable. Of such judiciary men could sing merrily:—

अभि सोमास आयवः पवन्ते मद्यं मदम् ।

"These itinerant judges bring a flood of happiness." (Sam. Poorv. VI. I. 3. 8).

15. LATER DEVELOPMENTS.

The *Hindu Judicial System* must be read by all students of law, sociology and comparative legislation, as well as by all members of the various legislatures in India. The following lines are merely an Epilogue.

The qualities essential for the Judge and Jury were eightfold, viz., they should be endowed with knowledge of law, should have a love for truth and justice, should be devoid of anger, must not be greedy, should treat a friend and foe alike, should be studious, charitable, and must possess good character. The elements which avoided the judgment were *Rag* or prejudice, *Lobh* or greed, *Bhaya* or fear, and *Chhal*

or fraud. It seems that at this age the fear of corruption had also crept in. For injustice Narad (I. 57), laid down punishment; for bribery Vyas as cited in *Viramitrodaya*, made provisions, *vide Nyayasthan prakeern-kand*.

16. CONCLUSION.

The imparting of even-handed justice, without fear and favour, to the best of the physical, moral and mental equipment of the man, has in every age and clime occupied an important place. The media chosen for the purpose at various stages throw light on the past ideals and practices and also enlighten the path for the future developments. These few pages will, if by compelling thought, even of a band of 30 to 36 real students of law, bring about a re-orientation of thought, or at least a new approach to the subject, the author shall think himself amply rewarded.

आ ब्रह्मन्ब्राह्मणो ब्रह्मवर्चसी जायताम् ।
आ राष्ट्रे राजन्य इषव्योऽतिव्याधी महारथो जायताम् ॥
दोग्ध्री धेनुर्वोढाऽनड्वानाशुः सप्तिः पुरन्धिर्योषा जिष्णू
रथेष्ठाः सभेयो युवाऽस्य यजमानस्य वीरो जायताम् ।
निकामे निकामे नः पर्जन्यो वर्षतु ॥
फलवत्यो न ओषधयः पच्यन्ताम् ॥
यौगक्षेमो नः कल्पताम् ॥ यजु. २२।२२।

(Yaju XXII. 22).

Post Script:—On 23rd January, 1954, I received a suggestion from Sri Sivaraja that Atharv. VII. 94 lays down the election of Judiciary. *Dhruvam Soman Nayamsi*. I am grateful to him. (There are many more passages besides).

APPENDIX II

THE ART OF GOVERNANCE IN ANCIENT INDIA*

BY

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A. INTRODUCTION.

सत्यं बृहदतमुग्रं दीक्षा तपो ब्रह्म यज्ञ पृथिवीं धारयन्ति॥
अथर्व. १२।१।१

There were a number of questions by friends if I was reading from the *Arthashastra* of Kautilya Chanakya. It is a pity that in spite of material we do not go behind Chanakya. Last year when the Hon'ble Indra Vidyavachaspathi, Member of the Lok Sabha, and Vice-Chancellor of Gurukul University, came here, I had a talk with him. He had presented a chapter from the *Satyartha-Prakash* to Dr. Rajendra Prasad. It goes to show that during three-quarters of a century nothing in the field of political science has yet been done from that great storehouse, the Veda. Some of the conclusions reached by the present speaker were published in the SUPREME COURT JOURNAL, April, 1954, entitled *Judiciary in Ancient India*, pp. 85-102.

B. THE FUNDAMENTAL OF ARYAN POLITY.

A brief statement of some basic principles of Vedic literature may not be out of place here. As Dr. Md. Iqbal observed in one of his lectures, 'all

* Substance of a Lecture delivered under the auspices of the Hyderabad State Lawyers' Conference, on 19th June, 1955.

knowledge is prayer; and Veda is well-known to be hymns; like all the other poetry it has a charm, it is suggestive, it has a wealth of meaning. Then each hymn has at least three kinds of interpretations: *Pratyaksha*, *Paroksh* and *Adhyatma*—scientific phenomena, matters beyond sense perceptions, and spiritual matters. If any one word in a hymn has more than one meaning then the whole hymn is likely to be interpreted in a larger number of ways.

The *Mahabashya* has stated the brevity of the Sutra Literature to be like that of Veda—

(छन्दोवत् सूत्राणि भवन्ति)

In this State of affair it is only reasonable to interpret Veda from its own internal evidence of its meaning. Any other course would be misleading. Judicious use of the *Brahmanani*, the *Nirukta*, and of *Manu* may be helpful. It must always be borne in mind that the authority of these later is only derivative and that we are trying to understand Veda, and do not try to make it subservient to them.

I have known students preparing genealogies of the so-called gods of Rigved, on the basis of Peterson, Max Muller, and Macdonnel, as if they were human beings and were begotten actually by this or that entity. A cursory reading of Veda is enough to dispel all such thought. The *Nirukta* devotes a part in the beginning of the *Daivat Kand* to this question. I am referring to this complex question because by reading, e.g., that Agni is Aditi, or Agni is Rudra, or Agni is Indra, that Agni is born of Apah people become so confused as to lose sight of the correct approach.

यो अर्थज्ञ इत्सकलं भद्रमश्नुते ।

'YO ARTHAJYA ITSAKALAM BHADRAMASHNUTE.'—
NIRUKTA I. 17.

He gets the real benefit from study who understands correctly the import of the text. One of the meanings of the word Agni is judiciary, and that it is indivisible—One cannot be just to A and unjust to B; for it is injustice against the whole humanity. Agni or justice is universal, the bailiffs and the sheriffs are part of the judiciary, and that the Judges are elected by the people, through the lawyers and judges. This is what is meant by the above statements. Those that people Rigved with gods and goddesses will tell you that Aditi is the mother of all gods, and they can make no sense how Aditi is Agni, when Agni ought to be a child of Aditi. Justice is the essential quality of Indra or sovereign, and Commander-in-chief.

Now briefly we shall state certain conclusions as to the terms used, and later, illustrations may have to be cited.

(1) there are four Dishapal, Agni, Indra, Varun, and Soma. Peace, plenty and progress are due to judiciary; executive and military authority vests in the head of the state; preventive forces of the state are under Varun; and the Purohit looks to the spiritual and moral well-being of the people.

(2) Vayu also means Indra.

(3) Surya stands for world Government, *chakravarti*.

(4) Ashwin stands for two officers of supply and medical mobile units.

- (5) Aditya means the Public Service.
- (6) Indra is the Commander-in-chief.
- (7) Apah indicates the general public.
- (8) Vishnu stands for the Finance Ministry.
- (9) Brahaspati is the Prime Minister.

(10) Rudra has a variety of meanings, including bailiff, sheriff, all executive officers of Courts, and also veterinary surgeon.

(11) Gravana—the men of adamant—and

(12) Vratya, shall be explained a little later.

It is remarkable how rules of physical, moral, political, and spiritual ordering of persons and society and laws of nature, truths of flight of human society at one time for centuries brought into practice as evidenced by the *Upanishads*, the *Ramayana*, the *Mahabharat*, and not yet thought to be practicable, in spite of the alleged vaunted progress of material means, and not fully understood until the last decades are naturally and simply stated as a matter of course in this 'the first book in the library of mankind.' I will not speak here of the rules, for example, of anatomy, physiology, medicine, astronomy, mathematics, military tactics, and a host of other sciences, so well interwoven in this encyclopaedia, but shall confine myself to the subject leaving the other questions for some other meeting. But as Agni is directly our concern, and justice is the foundation on which society is based, I may give here an outline.

According to the *Nirukta* (VII. 14) Agni is so-called because it is the first and foremost leader

(*Rig. VI. 16.48*). From the very nature of things it is so. The law is laid down by Veda. The statement of law and its interpretation is the work of the judiciary. Execution of that law is the next stage. This Indra looks after. Breach of law is the work of a Dasyu (*Nirukta VII. 22*). Restoring the law is the joint concern of Agni, Indra and Rudra. It will be noticed that in *Rigved* out of ten Mandals the first seven begin with Agni. The tenth begins and ends with Agni. Only the eighth and ninth begins with Indra and Soma respectively. Agni and Indra together are given (5846) hymns, out of a total of a little more than twenty-thousand hymns.

C. THE JUDICIARY

According to Veda, judiciary and its organisation and the dispensation of justice are matters of the people. The West in order to emphasise even-handed justice, without favour, and without respect to persons, paints her as blind, or covers her eyes, and gives a sword in one hand and a scale in another. The same idea of impersonal justice is conveyed among us by calling the authority Agni, which signifies both fire and the judiciary, and is not a respecter of persons. More than that, just as fire gives light and warmth, and every object which absorbs its qualities, is in turn a source of heat and light; similarly judiciary would not only impart justice but also awaken the sense of justice in others.

(Just as fire if slow will not cook your food, and if strong it may burn the food, similarly if the judiciary is weak or if it is without self-control society has to suffer).

Three judges and a Sabha or Jury constitute the *coram judice*. The judgment of this body is not recommendatory only, but is final. The rule of law required absolute equality of the parties before the judge, and justice never cared for persons. Valmiki, Ayodhya, 72 of 44-45 mentions the three offences for which Rama may not have been exiled. Bharat, finding that his younger brother in his zeal was chastising the maid-servant Manthara, for having incited the Queen Kaikeyi to ask the exile of Rama, warns Shatrughna that if Rama gets to know of it that she was injured by him will punish him. See Valmiki, Ayodhya, 78 of 23. Similarly the *Mahabharat* records how once King Prahlad had to give judgment against his own son, Virochan, who had spoken lightly of a Brahman, Sudhanva, and the two had agreed to refer to the king and each staked his life to the victorious party.

Equality before law is emphasised in many hymns. Reference may here be made to Rig. (VIII. 11.8). God the Almighty and Judge are alike in one quality—they are both *sam-darshi*, friend and foe do make no difference. Indeed the judge is higher than likes and dislikes, love and enmity. All honour is due to the office he holds and all love for the person (Rig. VIII. 2.28 and VIII. 60.17). Not citizens or individuals merely but all officers, the Government and the sovereign, indeed all are under his jurisdiction and power, (Rig. X. 6.7 and VIII. 60.13-14).

The judges were to be men of mature judgment. Inexperience and ignorance, and bias—these are the fruitful sources of injustice. Physically, intellectu-

ally and morally a judge should be a model to the rest of persons. One physically a wreck, intellectually a dwarf, and morally a depraved person can hardly command the confidence, and seldom discharge the onerous duties, and hardly carry conviction, much less that satisfaction which comes from the certitude that all aspects of his cause are considered and decided by a normal being superior to you in those faculties which must be brought to bear to the question at issue.

To my mind Rig. (X. 82.7) lays down the disqualifications of judges. These are the following important points:

- (1) Ignorance, the purblind man piloting a ship in uncharted seas;
- (2) *Jalpi*, those that are caught up in technicalities, and cannot distinguish between truth and untruth and justice and injustice, but to whom any show of a reason is good reason to turn the scale one way or the other.
- (3) *Asutrap*, hedonists, seekers of bodily enjoyment;
- (4) People fond of show, who would not act according to law but would profess a lot.
- (5) Characterless person.

Agni is responsible to the people. It is neither under the executive nor the civil or military authority. No one can deprive it of its jurisdiction and power. The judgment of Chief Justice Taney *Ex parte Merryman*¹, makes a remarkably brave reading in

1. (1861) 17 Fed. Cases No. 9487.

a system where the executive is more powerful than the judiciary.

Independence of the judiciary was sought to be secured in Ancient India in many ways. Judges were elected by lawyers and judges. There was no room for the exercise of any power of appointment, confirmation or promotion by the executive. Men of mature judgment were elected almost at an age when they are likely to take up orders as vanaprasthi. That will be decidedly after forty-eight years of age, and between forty-eight and sixty-five. They were not given any remuneration for the duty either by the State treasury or the Sovereign personally. Dismissal for cause was the law. Of the many provisions regarding judiciary, one remarkable feature emerges, that there is no trace of any passage which could lend support to the absolute immunity of the judicial tenure. As any one may recall the *Arthashastra* of Kautilya Chanakya clearly and unmistakably refers to the power of the Raja to dismiss corrupt or biassed judges. *Probity of the judicial conduct was given an importance at the time to an extent that security was subservient to it. Poisoning the fountain of justice was so serious a matter to the community that it could not be allowed for a moment.* Rig. (X. 34) has been interpreted in its most superficial sense, and clearest passages are mutilated, to show that it speaks of an age when gambling must have been a common vice. In fact it refers to that political gamble daily being played by an insensible executive, and helped by a judiciary more executive minded than the executive. I cannot forgo the

temptation to read to you the charming hymn (X. 34.9) and give you an imperfect rendering of it:

नीचा वर्तन्त उपरि स्फुरन्त्यहस्तासो हस्तवन्तं सहन्ते ।
दिव्या अङ्गारा इरिणे न्युप्ताः शीताः सन्तो हृदयं निर्दहन्ति ॥

- (i) these are men with low character and conduct;
- (ii) they trouble the noble;
- (iii) but to the high-handed they submit meekly;
- (iv) they are pleasure-seekers;
- (v) they are like fire kept in a dry well, a certain source of trouble;
- (vi) alleging that they are impartial, they burn the heart of the people.

It is ordained (Rig. VIII. 27.19) that the one who loves the executive must do justice against it in full measure. Justice prolongs the life of the executive. As surely injustice cuts it short.

Two other remarkable features of the judiciary may be noticed briefly. To be able to feel one with the humblest, the lowliest and the lost, to have sympathy for the underdog, to feel the pinch of hunger and poverty, to experience personally that difference between the haves and have-nots, it is ordered that the judiciary must remain in a voluntary state of poverty, at once a duty and a penance. Secondly, the exercise of the vast jurisdiction was in no way hampered by precedent. (Rig. I. 145.2). A judge was bound to do justice in each case. There are two types of judicial systems. Where there is

little law, precedents have helped the growth, and systematization of the law to a certain extent. This is the case in Great Britain. Even there the case-law is proving to be more a hindrance to justice, than a direct help. The other system is where laws exist and the system of case-law does not exist. Each case is decided according to law. There is an amalgam of the two as in India. This works manifest injustice. The law is abstract principle and the case is a concrete decision. In each decision the abstract principle is so moulded that before long the case-law travels far away from the law, and there arises the need to reconsider the case-law. Besides, this system, by binding down judicial discretion, narrows the field of justice—a case nearest the point is taken as the authority, and decided accordingly. There is bound to be conflicts too. Then different streams of case-law may be discernible. Often enough the encrusted mass of authority is so strong that justice cannot be done. All systems of law die of this type of suffocation from authority.

Rig. (X. 88.18) puts the question how many and who are Agni, Surya, Usha, and Apah? Innumerable passages may be shown to point clearly for various purposes the calculation shall have to be made differently. In devotional matters Agni, Surya, Usha and Apah and the rest of them refer to One Almighty. For purposes of study each hymn has a central idea or the subject-matter—it is the devata of that hymn. Then for purposes of various sciences same words may have different meanings. The subject is discussed in detail in the *Nirukta* (VII.

[—4) and the *Vedic Kosh* of Shri Hansraj may be consulted word by word for some of the various meanings as given in the *Brahmanani*.

The derivation of the word Agni is given by the *Nirukta* (VII. 14) and is based on Veda. By way of illustration Rig (VI. 16.48), (X. 122.4), (X. 87.4) may be read with benefit. It will be observed that the *Nirukta* presumes a thorough knowledge of Veda and *Brahmanani* on the part of his readers and does not give all references, but selects words from the Mantra and it is expected that the Mantra is known to the student. Another derivation cited from *Stholashthiv* is similarly based on Vedic text:—

न क्रोपयति न स्नेहयति

But the derivation cited from Shakpuni is not traceable in Veda. Although the context would bear out this derivation, and even this derivation keeps in view the threefold meaning—*pratyaksh*, *paroksh*, and *adhyatma*.

The *Nirukta* (VII. 8) gives in three brief phrases the duties of Agni, collected from the text of Veda. They are:

- (1) वहनं च हविषाम्
- (2) आवाहनं च देवतानाम्
- (3) दार्ष्टिं विषय

That Agni is *havyavah*, or *havishman*, is so often spoken of in Vedas that a complete list will be long enough. Those interested may refer to the *Daivat Samhita* of Sri Sripad Damodhar Satwalekar,

of the Swadhyaya Mandal, which gives an appendix of both the portions repeated and the qualities (visheshan) found in that part of the book. Rig. (I. 12) and (I. 15) may be compared with the first two duties enumerated above in the *Nirukta*, and Rig. (I. 15.12) and (I. 27.4) for the third. Again let me remind you that they have different meanings when construed as *pratyaksha*, *paroksh*, or *adhyatma*. In connection with the judiciary I shall render them as (a) deciding claims to life, property or taxes; (b) declaration of duties of men; (c) giving directions or laying down principles.

Those that translate Agni as fire only, will have a hard time when translating, for example, Rig. (I.66.2). *Dadhar kshemam*, 'sustainer and preserver of peace'; *oko na ranvo*, 'sweet like home'; and the other parts of that hymn. That he is *satyatar* (Rig. I.76.5) or one who acts absolutely according to truth and justice, as according to the *Shatpath* and the *Brahadaranyak*, *satya* means both truth and justice. The result of the love of judiciary is said to be

सप्रजया सुवीर्यविश्वमायुर्व्यश्नवत् । (Rig. I.93.3).
peaceful life, full activity, and length of life. He is called रक्षणः the protector, and in Rig. (VIII. 60.9) protection is laid down as his first duty, his second duty, his third duty and his last duty.

पाहि नो अग्न एकया पाह्युत द्वितीयया ।

पाहि गोभिस्तिष्ठभिरूर्जाम्पते पाहि चतसृभिर्वसो ॥

Often enough he is termed *Gopa*, preserver, and *Ritasys Gopa*, the preserver of law. (Rig. X.118.7) and also *Ritasys Dhara*, the continuity of law. (Rig.

I.67.7). He is the *Ritwan* par excellence, (Rig. I.77.1.), (X. 140.6).

The blessings of the judiciary may also bear a brief reference. The Philologists classify the devatas into three: Agni, Indra and Surya, *Nirukta* (VII.5). On the physical plane fire, electricity and the sun are the sources of heat, light, energy and life, and it is to them that the universe owes its existence, variety, beauty, and charm; it is with the help of these forces that life may be made fuller or richer, or destroyed by the wrong application of these powers. We, in the middle of the year 1955, are more conscious of their potentiality than could any one be even a decade ago. Similarly in the administration and governance of a political society, Agni, Indra and Surya has each its own importance.

Rig. (IV.2.4) says:—

(1) the very object of all political organisation is to bring about to the law-abiding people fuller and richer life;

(2) the function of the judiciary is to interpret law for the guidance of mankind and to bring a purity in life (Id. 1).

(3) to guide and control the law-breaking executive, *Indramurvam*. (Id. 17).

(4) to carry justice to every door (Id. 16).

(5) the inexperienced or thoughtless and green to be ripened (IV.3.9).

(6) seeking release of earth from thirst and bondage which injustice and oppression bring about. (IV.4.1).

(7) peace, good government, culture, richer life and freedom from enmity—these are given as the blessings of the judiciary, *see* for example (VIII.19.16), (X.161.3), (VIII.19.10), (VIII.27.17), (VIII.31.13), (VIII.46.4 & 5). Judges should alleviate the thirst of the people by justice, as drinking of water alleviates the physical thirst. (VIII.1.23).

Just as fire has a destructive power, so is the judiciary potentially the most dreadful element in political life. Normal men are said to be not able to face the anger of Agni. In Rig. (X. 34) are recounted some of the defects common to the judiciary and the public services. Besides them ignorance of law, enmity, favouritism, interest, or bias or any combination of them will turn a judge into a powerful factor for evil. Impatience to decide or to affect short-cuts to justice is as dangerous. That these high principles were not matters of booklore only, can be gauged from the results achieved. Upto the end of the thirteenth century the old judicial system un-influenced from the outside, was the sole governing authority, or medium of justice. Under the Muslim rulers the old criminal law was replaced by some new adjustments peculiar to India, but civil law continued to be the same, and under the authority of the pandits, even for long even under the East India Company. It is remarkable that in the long history in India there was no record or even oral tradition of any judge having been impeached, or dismissed for non-judicial conduct. Dr. P. Saran mentions one instance in recent history. Even the political upheaval and sometimes careless selection during the last two hundred years did not greatly influence the age-long traditions of justice, in

the country. Probably we shall have to unlearn something we learnt in social and judicial matters during the last two hundred years, if we want to bring back the traditions of Ramarajya, of Prah-lad, of Shishupal, the Chief Justice of Ashok, and of Vikramaditya.

Until that day comes let us work and strengthen the hands of the judiciary.

D. THE EXECUTIVE.

नहि नु ते महिमनः समस्य न मघवन् मघवत्त्वस्य विद्मः ।
न राधसो राधसो नूतनस्य इन्द्र न किर्ददृशे इन्द्रियं ते ॥
ऋ. ६।२७।३

It is the shortest, sweetest and the most comprehensive statement of the powers and duties of the executive. Legislation is not one of them. The executive must take the law as it is and as it is interpreted by the Judiciary, and must carry it out. The Executive and the Judiciary in the United States of America had at least three major contests during the days of Presidents Jefferson, Lincoln and Roosevelt. And at least on two occasions the judiciary had to yield. Chief Justice Marshall went even so far as to speak of the powers of the President in terms which were not approved later. It is said by some scholars that the hymns of Vedas are the songs of pastoral herdsmen, in praise now of this, now of that force of Nature, and the highest encomiums are showered on Indra, the god of the thunderbolt. To those that know, it will be irreverent to say that Indra as understood by these scholars is more a figment of imagination and to

those that do not know or care to know, it is irrelevant what reasons are given for any view, and which view is the correct one. To them the descriptions of Justice Douglas of the Supreme Court of the United States, of the aboriginals of Australia, the stories of the Red Indians, and the hymns of Rigved have about the same value. In this brief talk we cannot take up that subject. Suffice it to say that of the three theories of the origin of Veda, viz.—that the four Rishis, Agni, Vayu, Surya, Angiras, were the recipients of the Divine message; that the teeming names of Rishis found at the beginning of each group of hymns are their authors; that Veda Vyasa is the real compiler: whichever is accepted at the moment, it will have to give credit to the concise and precise expression and the vision and depth of meaning of the hymns themselves. Particularly is one struck with admiration at the wealth of knowledge compressed in a few simple words which according to their root meaning and the sense in which they were understood at the time of the *Brahmanani*, the oldest extant literature after Veda, and how the same hymn gives the rules governing the forces of Nature, the truths of various sciences, the laws governing human conduct, in individual capacity and as member of society, and finally, rules of highest psychic, psychological and spiritual value.

The first political lesson to be borne in mind is, that according to Veda, all human beings, irrespective of caste, colour, creed, place of birth, parentage, or any other factor, are the real subjects of the Almighty. We have indicated this in the

Principles of Dharmashastra. But unlike other theocracies, which make someone representative of God for the control of political and religious matters together, Veda divide the church and state, the church being the concern of the Brahmin, and the state the concern of the Kshatri, but the people as a whole are sovereign and the Raja is only an employee of them—Indra as an Aditya or public servant is no better than a police constable. This aspect of Indian polity is indeed remarkable. We shall see from a perusal of history that a large number of rulers were dethroned, for misgovernment. Rig. (VIII.13.11) lays down that the raja should be active and speedy (tootujan) (*Nigh.* 2. 15) visionary statesman (mahemae-ashwebhi), experienced in the school of adversity (prushit apsubhi), should attend as early as possible all social and political functions, it is good for him. Contact with the masses was thus very much emphasised. The object of the political organisation of the society is given in the same sukta in hymn 3 as power, food, happiness, and progress for all. The happiness of all his people is the aim of his rule, as laid down in the next hymn. People erect a fence to protect young saplings and growing trees. The raja is like a fence for the protection of the masses. (*Id.* 16.4). The moment the fence ceases to protect the tree it is pulled down and thrown into the fire.

Of late I was reading Mandal eight. I shall briefly give you some idea of polity from some of these hymns. This is necessarily brief in view of the time at our disposal, for the number of hymns of Indra is 3363.

If the learned are satisfied that the sovereign is not oppressive the people frame their conduct accordingly. (Rig. VIII.63.6).

If I become a ruler like you, the supreme protector and controller, my people would all be endowed with freedom of speech, a piece of land, a cow, health and education, requisite arms and, lastly, spiritual and moral guidance without let or hindrance. (Id.14.1).

By peaceful means transform the ideas and schemes of the wicked. (Id.14.13).

Those deceitful and cunning persons that reach the sky should be carefully pulled down. (Id. 14.14).

Do you want to be a high protector of justice? Remove all societies which would take people to peace-breaking activities. (Id.14.15).

That Raja is respected who has a powerful country, powerful defences, a contended people, and a weak enemy, whose forces do not allow any escape to the lawbreakers from the clutches of law and the general public is absolutely protected from all evil. (Id.17.12 and 13).

Lovers of Government hold fast truth and justice; the sun shines alike at dawn, midday and sunset. (Id.27.18).

In all matters concerning the yajya or social activity, the Agni or the judge must have supreme authority, and he should be independent and powerful. (Id.27.1).

Without bloodshed he gains rightfully who is supported by the judges, the executive council and the raja. (Id.27.17).

The fool can do nothing to judges, the executive council or the raja. May they be our protectors. (Id.28.4 and 3).

The Path of Justice is Easy and Comfortable. (Id.31.13).

As clouds are cooled and made to yield rain for agriculture, Raja should cool those that create trouble and are violent. (Id.32.3).

E. GOVERNMENT ACCORDING TO THE WILL OF THE PEOPLE.

The *Shatpath* (XIII. 2.3.7 and 8) describe how entrusting government to one individual is a dangerous experiment, and Rig. (III.38.6) lays down how power should be balanced in at least three organisations in the proper governance of the land: —the Judiciary, the Samiti or the Council and the Army (Atharv.XV.9.2). Rig. (VIII.46.21) makes it incumbent on the Raja to rule according to the will of the people **अस्या व्युष्याददे** The will of the people was mirrored by the Samiti. The constant association of the people in the day-to-day governance of the country is both the legal duty, and the surest method to keep peace and order. With the judges were associated the members of the jury or the Sabha. With the Raja were associated the Samiti and the Raja as the Commander-in-chief was associated with the Army Council.

After being saturated with the ideas of western type of democracy, and the two important models of it in Britain and the United States of America, one may feel surprised to find that no show of hands or counting of heads could alter the rule of law in Ancient India, if it was against Dharma. Not that the state was tied down to the apron-strings of the church, but legislatures in the modern sense had little left to do. The rule of law existed in known principles, the interpretation of the judiciary was there, the law and its enforcement thus secured, the administration had to be kept within those bounds so fixed.

The administration exists to carry out the law. *Vide Rig. (VIII.61.11).*

An analysis of legislation in any modern state will go to show that more than half of the legislation is intended to secure funds for the administration of the state, the costly armies, the heavy armaments, the up-to-date research to be at all times maintained, and the costly central, state and local administration. Of the remaining less than half, about a half is necessitated by the fact that political parties keep up a programme and their sheet-anchor in any election is the avowed implementation of it. Less than a quarter legislation of the remainder is directly concerned with the feeding, dressing, health, home, education, justice, and material and moral advancement of the general public. Then all laws for social amenities, in the nature of things, is passed in skeleton, and the very machinery of state for whose guidance it is intended can

and does fill in the gaps by delegated legislation and thus give it a new content. And the most difficult point in a modern state is the factor that legislatures, even in Parliamentary Governments, do not have direct day-to-day control over the administration. They can throw out the ministry, but then they always have to keep in mind the successor, the king Log may not be followed by king Stork. Therefore the liberty exists more in theory than in actual practice. The government actually vests in those that govern.

Now suppose instead of this skeleton legislation, the whole body is appointed to help carrying out the enforcement of the daily work, and the actual working is thoroughly discussed, planned, checked up at every stage, and amended wherever it so desires, then a direct democracy of an ideal state could be brought into practice. This is precisely what was done in Ancient India.

As to taxation, as we shall see later, one-point direct tax was the law, this keeps up vigilance of the authorities and the people centred and thus technical and fraudulent evasions can be avoided and the burden of taxation minimised. By multiple point taxation a certain amount of friction and the desire to evade legally or illegally is fostered.

As to the election of the Raja we shall not speak to-day, for that will take more time than could be given, besides the subject is dealt with by many writers, particularly Dr. Jayaswal and

Dr. Altekar. The word Raja refers to the duties of the post, and should not be confused with the hereditary chiefs of the Indian Empire.

F. ADMINISTRATIVE JUSTICE.

In defining, limiting, securing, or preventing the breach of duty, and in various other ways administrative officers have to do justice. For them a very salutary provision is made in Rig. (VIII. 63): just as dark clouds full of water cannot become the measure for the sun, public servants should not become measure for the Raja, should not become autocratic, or prevent the free flow of light and life. A very popular saying among the masses is that Vrasha or Dharma (justice) has four *charan* and loses one *charan* in each of the subsequent ages; consequently it has only one *charan* in Kaliyug. The reason for this gradual decline is the apathy of the services to justice.

Two other provisions in the same Sukta are also interesting and instructive. Popular support is the cause of success of the Raja. (Id. 7); the officers should be self-less and kind (mehana), punishing evildoers, adamant, and always co-operating in overcoming disorder (Id. 12).

Public hearing, and hearing both sides (Rig. VIII 61. 1) before coming to a conclusion were important procedural provisions.

A period of probation with those that had high moral character and acted rightly, and honourably was essential (Rig. VIII. 69. 15) in departmental as in executive duties.

G. PRINCIPLES OF ADMINISTRATION.

मन्ये त्वा यज्ञियं यज्ञियानां

मन्ये त्वा च्यवनमच्युतानाम् ॥ ८।९६।४

(Rig. VIII. 96. 4) lays down the principles in detail. In all human activity the help and co-operation of the sovereign is essential in some form or other. He can successfully range a little atom against the sun, and bring down the majesty of those considered as immutables, (Id. 4). As to the psychology of individuals and nations a very sound principle is laid down in hymn 7. Those that pride to call themselves friends when one is powerful and master, leave and completely desert him at the breath of the enemy. But if the nation is defended by a selfless army, not a mercenary rabble, it may win through.

The one very remarkable explanation of the duties of both the people and the sovereign is given with reference to the relationship of husband and wife. Raja, Indra is the husband, and the people are the force or power of the ruler, his Shachi. Sometimes the army is similarly spoken of. Vide Rig. (X. 145, 159, 166). Sometimes the people are spoken of as *Indramatraka*, the mothers of the sovereign, the real masters, the creators of all rulers and chief magistrates. In political science as in *adhyatma*, the ultimate truth is that the whole political organisation is a perfect whole entity, undivided and indivisible. Agni is Indra, Indra is Surya, both Agni and Indra permeate in Apah, the people, the tone and strength of the judiciary and the Government is set by the people, and conversely, the Government and the judiciary purify the people and give

them life and direction and canalise their activity. The Ashwin or the Nasya are the very breath of the nostril of the society. Supply and medical attendance is really as important. Rudra the harsh controller is the Siva, for ultimately the control of others is but the result of self-control. Saraswati, Ida and Bharati in co-operation with Brihaspati and Brahamanaspati becoming the guiding powers lead life to power and perfection. Vishnu or the Ministry of Finance is the receiver of all taxes only to spend the same on the people. Indra and Vishnu are not in this light different. Yama becomes Aryama, that Maruts or the Army is a friend of the people, not their enemy. And so in co-operation the devatas, many in form and names are one in working and in organisation and control. And then there is no friction, much less any enmity and war. And so Indra is without an enemy, the sole loving and beloved son, husband, father, protector of the people, and the people are his power and creators. Then comes the grand realisation:—

मायेत्सा ते यानि युद्धान्याहु

“Mayetsa te yani yudhdhaniyahu” (Rig. X. 54.2) i.e., the word war becomes merely a figurative description. For Indra has no enemies, nor had he any at any time. The moment one is appointed to a post of power and duty, his personal interests should cease, his parochial outlook must go, his narrow sympathies must be replaced at once by a world-wide vision of love and self-sacrifice. Here the executive, without questioning the judiciary, follows it implicitly:

इन्द्रो विद्वां अनु हि त्वा चक्ष तेनाहमग्ने अनुशिष्ट आगाम
ऋ. १०।३२।६

and again:

स प्रैति क्षेत्रविदानुशिष्ट। ऋ. १०।३२।७

The supreme moment is come when the apparent master is the real servant, the apparent servants are the real masters, there is peace, plenty, and happiness all round. No complaint is heard at all. This is the Government in ideal brought into actuality. The Government of Ashwapati, of Dasharatha and of Janak Videh were the types of highest polity. It was this aspect which made Ramarajya a political idea to which people still look up as a working model. This was what was brought about by Krishna in the brief days of Dharmaraj Yudhishtira. Life long Krishna had preached the message of Rig. (X. 42) *et seq* and when time came he put it into practice as is evidenced in the *Mahabharata*, *Udyogaparva*. Collection of wealth, armies, great thinkers, latest weapons and transport (X. 42.5) is a means to an end, and not an end in itself. Alike in *Adhyatma* and governance the aim is the identification of Indra and of Soma (Rig. X. 42.1) and Atharv. XX. 89).

H. POLITICAL GAMBLE.

Political gamblers do not recognise any duties.

Firstly, they are not restrained, sober men. They take delight in enjoyments of the moment. Secondly, they are devoid of reason. They never take lessons from history, nor do they see beyond their nose. Thirdly, like tattered garments or tired horses they do not get peace. Fourthly, in the hour

of trial they are deserted by their allies. Fifthly, they play high stakes without caring for the consequences, and with an empty boast that they will win. Lastly, they employ questionable means to secure their momentary success.

They attend Courts, or international assemblies with the idea to win, and employ means accordingly.

They must bear in mind that they will reap what they are sowing, (*vide* Rig. X. 34. 1-6, 13).

Indra is reputed for breaking ninety-nine *pur* or fortifications. It is believed that this carnage would be the representative case of some ancient monarch, whose valour is thus lauded without mentioning one single name of his enemies. They treat the conquest as one taking place from without. Indra is the soul. For its self-realisation it has to overcome the ten senses of karma and jyana, organs of work and knowledge, and the mind.

This is to be done not for any particular ceremony or ritual but for all time as the mortals measure it—past, present and future. Then it has to become *trigunatit*, overcome *rajoguna*, by frontal attack and on sides achieve a victory on *satoguna*, and *tamoguna*. Now $11 \times 3 \times 3$, i.e., 99. The victory can only be complete and lasting if it is over the ninety-nine *pur*. Out in the world Indra has no enemies. It is only a figure of speech to call it a war. Similarly in the political organisation it is the internal danger that is destructive. It may spring from any source—the Sabha, the Samiti, the Sena; that may result in injustice, narrow political affiliations,

foreign loyalties, geographical, linguistic, and cultural divisions; or it may affect the army in numerous ways. As to the second item it consists of the sense of unity of the world government (*Rashtra*), power (*Bala*) and magnanimity (*Oja*). That makes the third group the *spata-anga* of Manu (IX. 294) consisting of the Raja, the ministers, defences, *rashtra* or the country or the territorial unit, treasury, punishment and the allies. *Rashtra* or the country consists of people, divided according to their usefulness to the society into four groups: the men of learning and law, and educationists, the men of *kshatriya* class for maintenance of law and order, commercial and industrial class and bankers, and finally the labour. That again makes the figure ninety-nine.

These points would naturally awaken the idea in the mind of any intelligent man of that political purge so often in evidence in history, by which the ruling authorities control a subservient Samiti. It ceases to reflect the will of the people. Then it is a misnomer. These rulers forget or ignore the natural law that co-operation of the people prolongs their life: *Dhruvai Te Samiti Kalpatamiha* (Atharv. VI. 88.3) and on the other hand if they forfeit the confidence of the people then there arises the duty to dethrone them. (Atharv. V. 18 and 19) and (XII. 5) may be read in this connection, and the remarkable little book, *Brahman-ki-gau*.

Freedom of thought presupposes freedom of expression—by speech, writing, radio broadcast, newspapers, art exhibitions, paintings, and every conceivable method that the ingenuity of man may devise is but a means to an end. If you permit me the classi-

fication adopted by Krishna in the *Gita* to be extended to legal matters, I would say that speech may also be *satwik*, *rajasik*, and *tamasik*. And freedom of speech does not extend to the last type—conspiracy, exhortation to violence, indecent or immoral talk, was never thought to be permissible. Rig. (X. 166.5) lays down that principle very clearly. And as to *satwik* speech it is laid down that it shall be free unconditionally. Almost always Governments try to stifle freedom of thought and expression by such various methods that it is difficult to enumerate a complete list. But the net result is the same. They succeed only for a brief respite, and then the inevitable end comes. Without haste—without mercy, a relentless power does exact justice and no more. That Government which prevented free speech is removed.

न ब्राह्मणस्य गां जगध्वा राष्ट्रे जागार कश्चन ।

अथर्व. ५।१९।१०

See also (XII. 5. 27).

I. FOREIGN POLICY.

Rig. (VIII. 101), (X. 134) and (X. 165) lay down important principles of inter-state law and foreign policy. First let us remember that a world Government as conceived of, for example in the *Bhumi-Sukta* (Atharv. XII), is not a unitary form of state, with a strong centre. The few subjects which are the concern of the world Government are:—justice, agriculture, and maintenance of food-supply, industry and commerce, growth of domestic arts, health, the pursuit of happiness, etc. The *Shatpath*,

the *Aitreya* and the *Taittiriya* lay down the installation procedure of the Raja, and contain important passages regarding the object of Government and the nature and content of political obligations. Yaju (IX. 22) sums up these in four words and may be read in the *Shatpath* (V. 2.1.25). The foreign policy is but an extension of the home policy.

Mahatma Gandhi in a message to a journal said: "My nationalism is intense internationalism". That in brief is the Ancient Indian rule of law. Even in 1955 there is no world Government in existence, or in sight in near future. But the law in Ancient India was that there was a federal Government of the world, but it could exercise only certain powers, and by calling the head of it the Surya or the sun, it was made clear that he should exercise a powerful but unobtrusive influence.

No country or combination of countries were allowed to take up a policy opposed to the general welfare of humanity. The provision in Rig. (VIII. 101-4) is remarkably advanced even with our vaunted progress and speedy means of communication.

Countries (a) not prepared to discuss, (b) not co-operating in social work, and (c) not willing to exchange information were treated as enemies of humanity, from whom present danger existed. They were dealt with accordingly. The *Dirgha Ankusha* spoken of in Rig. (X. 134.6) the powerful means of bringing these countries under control were to be used according to set practice (*yatha yamo*). Rig. (X. 134.7) lays down the golden rule of policy, followed both at home and abroad. It could be

engraved at the gates of all world organisations even to-day.

May we work to-gether;

May we do no harm to any one;

May we follow the law.

The treatment of emissaries was also provided for. Whatever his purpose the emissary was to be respected. But he could be handed over to the judiciary (Agni) for any offence that he might commit, (Rig. X 133-2 & 4). One is reminded of the two powerful ambassadors at different times: Hanuman in the presence of Ravana and Krishna in the assembly of the Kauravas. The inviolability of the emissary is stressed at both these places in the *Ramayana* and the *Mahabharata*.

J. PUBLIC SERVICES.

There is a remarkable passage, part of a hymn in (Atharv. VII.7.1), which says *Ditay Putranam Aditay Akarisham*—the law-breakers are turned into protectors of law. A complete remaking of society is effected by one devoted worker, or a band of workers. But to keep a general high level of social morality, an enlightened and responsive public service is an essential feature. They should be truthful and just, for truth and justice born, advancing the cause of truth and justice, and having utmost hatred for all that is false and unjust. (Rg. VII.66. 13). Unless they have that craze there cannot exist peace on earth, and love and goodwill among mankind. These sons of liberty know how to remove conflict. *Putraso aditayrvidu dweshansi yotavay* (Rig.

VIII. 18.5). They know how to remove sin and offence, breaches of moral and legal law. (Id. 12). One doing harm to another by force of habit, has to suffer the consequences of his deeds. (Id. 13).

Suktas eighteen and sixty-seven of Mandal eight, and thirty-four of Mandal ten may be read *in extenso*. One very remarkable feature of the law of the time was its insistence that every public servant must have training in law. And higher officers were expected to be legal luminaries: *ritasya rathya* (Rig. VII.66-12).

As to other details I am afraid much will have to be left unsaid for want of time, but the best fundamental rules of a most modern state can well be compared with the old law, and it is remarkably favourable to the services.

Each territorial unit had a corps of 150 *Vratya*—a dedicated band (Rig. X.34-8), divided into three groups. As detailed in (Atharv. XV) the *Vratya* represent the embodiment of the spirit of service and sacrifice. Knowledge and enlightenment is the very breath of their nostrils. (Id. XV.3-7). A *Vratya* is entitled to honour, to water and food, and a place of rest at night. He may take rest at one place for four nights. (Id. XV. 13). Injustice results always from ignoring the law. It was the duty of the *Vratya* and the *Gravana* to bring to the notice of the authorities any instance of ignoring the law, thus they had to do the honorary duty of the modern Inspecting Officer and of Attorney-General, the decision of any case never rested with them.

The hand that pays the piper sets the tune. The judiciary, the *Vratya*, the teacher, these three classes

were very carefully, therefore, prevented from getting any remuneration from the Government which is a party in a very large number of cases, and can make loyalty a part of the educational equipment of the citizen. Freedom was thus the very essential quality in the exercise of the duties of citizens.

K. SOCIALISM.

The word *Yajya* is of very common occurrence in Veda. It is rendered as sacrifice, by orientalists. It is explained at four places in the *Nirukta*: (III. 19) says that the Philologists hold it to be derived from the root *Yaja*, or it is derived from *Yanch*, as every activity is motivated by some desire, or it is the *havi* given with hymns of Yaju. Philologist Oupamanyava is of the view that it is so called from the fact that most yajyas are performed sitting on deer-skin, also all deeds done to the accompaniment of the hymns of Yaju are called yajya. Then in (X. 43) yajya is rendered as the yajyatshali, ukha. In (XII. 40) yajya is taken to mean Agni. Finally in (XIII. 7) it is given a synonym for Mahodev. Certain hymns have the yajya as its devata. Of modern authorities, Pandit Gurudatta Vidyarthi is of the view that "the word yajya originally indicates any action requiring association of men or objects, and productive of beneficial results, is always translated by European scholars as sacrifice". (*Terminology of the Vedas*). You may also read the commentary on the *Bhūmi Sukta* by that erudite scholar, Sri Priya Vrata, Acharya Gurukula Kangri.

The root yaj according to Panini (3.3.90) gives the word yajya. And the root yaj has threefold

meaning: *Devapooja*, *Sangati-karan*, and *dana*. Devotion, then, consists in co-ordination and contribution to it in the material, moral and spiritual field. It is this enlightened socialism that is enjoined in many hymns. To mention only a few, Atharv. (I.15.3 & 4), Rig. (VIII.79-5), (X.42.9), (X.107), (X.117) may be carefully studied. In the *Principles of Dharmashastra* will be found discussed the aim of human life and of property as a *havi*. The very word *havi* gives the content, viz., give and take, for a spiritual benefit, for moral upliftment. Here there is always to be met the normal economic exception two pence for a penny. As observed by Kavindra Ravindra: "When any wrong is done we say that Dharma is violated, meaning that the lie has been given to our true nature." This socialism, this rendering of the *havi*, the acceptance of the position of divine agency in all human activity, while pinnacle of perfection, is brought within the reach of common man by the law of the ancients.

Atharv. (1.15.3 & 4) speak of the flow of rivers and (1 & 2) of the flow of the ocean, and winds and birds flying together and emphasises the fact that co-ordination of society and flow of its material resources it is that makes for a fuller and happier life.

Rig. (X.39) is noblest sukta on the subject: its object is the establishment not of a competitive but co-operative welfare state.

(1) every down-trodden, oppressed person shall be helped: in the picturesque language of the hymn 'the pheasant shall have to be relieved from the jaws of the wolf'.

(2) there is to be constant repair of the state as of a chariot.

(3) there must be common enjoyment, protection of the hungry, protection of the weak, the blind, the needy, and the unhealthy.

यो देवकामो न धना रुणद्धि ।

In these words Rîg. (X.42.9) lays the economic, and socio-psychological rule 'no sane person desirous of good should prevent the free flow of wealth' thus tariff barriers cannot be imposed between one country and another, or one part of the same country.

Similarly (X.107 & 117) lay down very important provisions. Read them with (X.108) which in the form of a dialogue gives the reasons normally advanced by economists, contradicts them and lays down the law in hymns (7) and (11.) Atharv. (VII. 115. 2) says that wealth, not in use, becomes degrading.

L. TAXATION.

Naturally the principles and the incidence of taxation will be determined by the ideals of the state. The burden is never complained of by the tax-payer if he finds good returns. Veda starts with the basic rule that Earth is given by God to the wise: *Kah Prishnim Dhenum Varunaena Dattam Atharvane.* (Atharv. VII.104.1); कः पृश्निं धेनुं वरुणेन दत्तामथर्वणे । and that no sinful person become our ruler, no incapable person or oppressor become our ruler, the ruler be not a thief of or destroy our lands, homes,

crops, culture, language, milk and milk-foods, cows, light and life of all objects called *gau*; and the ruler of the sheep be not a wolf. (Id. XIX. 47).

माकिर्नो अघशंस ईशत मां नो दुःशंस ईशत ।
मा नो अद्य गवां स्तेनो मावीनां वृक ईशत ॥

It lays down the ideal of society as follows:

- (1) Physical, moral, and spiritual victory,
- (2) Progress,
- (3) Perfection of truth and justice,
- (4) Power, brightness (*teja*),
- (5) Knowledge,
- (6) Happiness,
- (7) Co-operation in all social activity,
- (8) Animal wealth,
- (9) Contented people,
- (10) Valiant men.

(Atharv. XVI.8.1).

The principles of taxation are scattered in many hymns, only some important provisions could be here mentioned. The *Raghuvamsa* records how Dileep taxed his people, collecting from them a little, and spending it on them in various ways, just as the sun evaporates water to restore it in the shape of rain. (Canto 1.18). Dileep learnt this lesson from Atharv. (III.24.5), which lays down the duty of the Rajas (Prajapati): शतहस्त समाहर सहस्रहस्त सं किर । *shata hast samahar sahasra hast sankira*, that distri-

bution should be in many ways more than the collection. (Id. VII.58) lays down that all taxation has a dual aim of protection and progress of the society; and may be levied for purposes of the state or the world Government. The *Bhumi Sukta*. (XII.1.62) is concerned with taxes for the world-government.

Certain important rules are laid down in Rig. (X.116.7), Atharv (III.29), (V.19).

(1) If there is the least doubt as to the validity of the tax it should not be collected.

(2) No taxes should be levied on account of anger or revenge.

(3) Taxes must be ripe, and due, no tax should be levied before the liability arises.

(4) All taxes should be paid voluntarily.

(5) The jury of the Courts allow one-sixteenth of the disposable income as taxes.

(6) Those that are weak or incapacitated are not liable to tax.

(7) It is the reciprocity of the desire of the people and the ruler that creates the liability to taxation.

(8) Those that illegally devour taxes for a moment attain power, but soon they are brought down.

(9) Rulers that impose heavy taxes on the learned professions teachers, lawyers, judges, research scholars, and others, are bringing nearer the end of the rule. For if these professions are oppressed in any society, the oppression brings about the decline of the national power, and, secondly, the growth of law and learning is arrested.

In all countries, in all places, at all times taxes are, along with civil liberties, the criterion of the progress of the country. The basic principles briefly touched here would do credit to any society. Besides taxes the real property may be taken for various purposes. There are in Atharv. certain Sukta of which the devata is *Vasha*. These lay down some fundamental principles.

The word *Vasha* may be derived from the root *vash*, to will, to command; or from *Vaash*, to bleat or to low. The substance of the law as laid down in Atharv. in (X.110) and (XII.4) is given in the Supreme Court Journal, 1954, in the article *Judiciary in Ancient India*.

M. CONCLUSION.

The remarkable heights to which even Anglo-American law, with its steady progress of twenty centuries, cannot lay claim to, are indeed baffling in Ancient Indian law. For example take up the question of legal remedies, social legislation or punishment in criminal cases—subjects deemed to be of but recent growth. Atharv. calls law *Sahasra Shrang* or *Sahsram Yasya Janamani Sapta Cha*. (XIII.1.37). No breach of duty could remain without a remedy, and Courts could not afford to sit with folded hands, and see injustice being perpetrated. The second of the two texts cited above refers to thousand-fold remedies as enlarged by the *Sapta-rishis* of the utmost of human knowledge, gathered by every one of our senses. Justice has many facets, and to do exact justice development in human knowledge will

have to be properly utilized. Utmost freedom of development of law is thus assured.

Of social legislation the most remarkable example is to be met with in the *Brahma-jaya Sukta* (Atharv. V. 17). The learned writers of the *Vedic Age* failed to get the correct or even an approximately correct meaning. Certain of these hymns come as Rig. (X. 109), there the Rishi is Juhu Brahma-Jaya, and the devata Vishwedeva. In the Atharv, the Rishi is Mayobhu and the devata Brahma-Jaya. It is important to note that the next two Suktas are also of the same Rishi, and deal with the Freedom of Speech. Now the meaning would be (ka) every woman is a Brahma Jaya—she can only be won by pure love and effacement of baser passions where a woman loses her womanhood by force, fraud, wealth, etc., either by the raja or any one among the people, peace and plenty cannot remain there. (Kha) the synod of the learned is the Brahma-Jaya. The *Parishad* must have fullest control of the interpretation of the law, and only the learned in law can have a voice in it. This is clarified also by Manu. (Ga) Every devotee is a Brahma-Jaya and whenever the right of religious freedom is taken away, the state cannot prosper. Loose public morality is the surest end of the state, and Augustus Caesar had to exile his daughters and grand-daughters. ब्रह्मचर्येण तपसा राजा राष्ट्रं वि रक्षति (Atharva XI. 5.17) *Brahma-charyena .tapasa Raja Rashtram virakshati.* (Gha) Public administration requires the services of experienced hands,

being superior to a thousand illiterate inexperienced persons. Manu (XII. 113), Ayodhya (CI. 22-23). Dayanand Saraswati in the *Satyarthaprakash* (VI.) translating Manu (XII. 113), and Jayadev Vidyalankar on Atharv (V. 17.8) may be read.

Punishment prescribed by law and its incidence is a sure sign of the progress or savagery of a society. I have dealt with this subject separately in the journal of the U.P. Crime Prevention Society, the *Penal Reformer*. Only a few words would be here added to it. The first basic rule to be borne in mind is that "the law does not tolerate prohibited acts, nor does it protect Government officers that act falsely: evil-doers are punished, and the untruthful and unjust are punished; both are in the bondage of the executive."

न वा उ सोमो वृजिनं हिनोति न क्षत्रियं मिथुया धारयन्तम्
हन्ति रक्षो हन्त्यासद् वदन्तमुभाविन्द्रस्य प्रसितौ शयाते ।

Atharv. (VIII 4.13). The second basic rule is met with in Rig. (VII. 104), (VIII. 18-12), and (X. 49.4) that the object of punishment is to make the mind of the offender mature and that in a paternal way. The words normally used in this connection are *han*, *jambhan*, and *randhan*. People translate them as killing, chewing and boiling. These are some of the meanings. But as noted in the *Mahabhashya*: *Patharthe hante prayog*. The root *han* is also used in the sense of imparting education. Children's homes, borstal schools, penitentiaries, and industrial schools serve the same purpose. Ripening and maturity of intellect could hardly be better described than in (VIII. 18.12) and (VII. 104.2). One boils or

chews food to make it assimilable. To prepare the offenders to behave as useful citizens, to assimilate them in society, to make them part and parcel of the life-blood of the nation, this is what punishment should aim and achieve.

I have finished this brief account. It deserves volumes to treat of it in full. My condition is best described in the words of the poet:

तितीर्षुर्दुस्तरं मोहादुडुपेनास्मि सागरम् ।

(Kalidas: *Raghuvansha* I. 2).

Further I believe in the santkavi, Tulsi:

संत हंस-गुण, लहहिं पय, परिहरि वारि विकार ॥

My sole desire, like that of the dying boy in Ravindra's *Post office*, is to take His message from door to door: In His eyes the measure of achievement is not the measure of success. My faltering steps and endeavour to take it to a brother may inspire others and they may succeed where I fail.

A HUNDRED TEXTS OF VALMIKI

A. The People

प्रहृष्टमुदितो लोकस्तुष्टः पुष्टः सुधार्मिकः ।

निरामयो ह्यरोगश्च दुर्भिक्षभयवर्जितः ॥

न पुत्रमरणं केचिद् द्रक्ष्यन्ति पुरुषाः क्वचित् ।

नार्यश्चाविधवा नित्यं भविष्यन्ति पतिव्रताः ॥

न चाग्निजं भयं किञ्चिन्नाप्सु मज्जन्ति जन्तवः ।

न वातजं भयं किञ्चिन्नापि ज्वरकृतं तथा ॥

(बाल १।९०-९२)

B. The Ministers

अष्टौ बभूवुर्वीरस्य तस्यामात्या यशस्विनः ।

शुचयश्चानुरक्ताश्च राजकृत्येषु नित्यशः ॥

प्राप्तकालं यथादण्डं धारयेयुः सुतेष्वपि । (बाल ७।२, १०)

C. The Learned

नाषडङ्गविदत्रासीन्नात्रतो नाबहुश्रुतः ।

सदस्यास्तस्य वै राज्ञो नावादकुशलो द्विजः ॥

(बाल १४।२१)

D. Respect for Research workers, Leaders of thought

अद्य मे सफलं जन्म जीवितं च सुजीवितम् ।

यस्माद्विप्रेन्द्रमद्राक्षं सुप्रभाता निशा मम ॥ (बाल १८।५३)

E. The Learned Criticise the Ruler

इक्ष्वाकूणां कुले जातः साक्षाद्धर्म इवापरः ।
धृतिमान् सुव्रतः श्रीमान्न धर्मं हातुमर्हसि ॥ (बाल २१।६)

F. Daily Sandhya

कौसल्यासुप्रजा राम पूर्वा सन्ध्या प्रवर्तते ।
उत्तिष्ठ नरशार्दूल कर्तव्यं दैवमाह्निकम् ॥
(बाल २३।२) also read (३०।२७), (३१।२०), and (३५।२)

G. Filial Duty

अनुशिष्टोऽस्म्ययोध्यायां गुरुमध्ये महात्मना ।
पित्रा दशरथेनाहं नावज्ञेयं हि तद्वचः ॥ (बाल २६।३)

H. Behaviour to the Learned

इमौ स्म मुनिशार्दूल किङ्करोः समुपागतौ ।
आज्ञापय मुनिश्रेष्ठ शासनं करवाव किम् ॥
(बाल ३१।४)

I. The Husband and the Wife

पतिव्रता महाभागा छायेवानुगता सदा ।
अन्तर्गतमपि व्यक्तमाख्याति हृदयं हृदा ।
(बाल ७३।२७)
(बाल ७७।२७)

J. Truth

आहुः सत्यं हि परमं धर्मं धर्मविदो जनाः ।
(अयोध्या १४।३)

सत्यमेकपदं ब्रह्म, सत्ये धर्मः प्रतिष्ठितः ।
सत्यमेवाक्षया वेदाः, सत्येनाव्याप्यते परम् ॥
(अयोध्या १४।७)

K. Ram to Kekayee

तद् ब्रूहि वचनं देवि राज्ञो यदभिकाङ्क्षितम् ।
करिष्ये प्रतिजाने च रामो द्विर्नाभिभाषते ॥
(अयोध्या १८।३०)

L. Ram's conduct

एवमस्तु गमिष्यामि वनं वस्तुमहं त्वितः ।
जटाचीरधरो राज्ञः प्रतिज्ञामनुपालयन् ॥
(अयोध्या १९।२) also (६, ७)

M. Laxman

अबुद्धिर्वेत नो राजा जीवलोकं चरत्ययम् ।
यो गतिं सर्वभूतानां परित्यजति राघवम् ॥
(अयोध्या २०।५)

N. Duty of a Wife

भर्तुः शुश्रूषया नारी लभते स्वर्गमुत्तमम् ।
अपि या निर्नमस्कारा निवृत्ता देवपूजनात् ॥
(अयोध्या २४।२७)

O. A Fond Mother's Blessing

यत्पालयसि धर्मं त्वं प्रीत्या च नियमेन च ।
स वै राघवशार्दूल धर्मस्त्वामभिरक्षतु ॥
(अयोध्या २५।३)

यानि दत्तानि तेऽस्त्राणि विश्वामित्रेण धीमता ।
तानि त्वामभिरक्षन्तु गुणैः समुदितं सदा ॥
(अयोध्या २५।५)

P. Duties of Women

देवकार्यं स्म सा कृत्वा कृतज्ञा हृष्टचेतना ।
अभिज्ञा राजधर्माणां राजपुत्री प्रतीक्षती ॥
(अयोध्या २६।४)

Q. Wife and Husband

न पिता नात्मजो वात्मा न माता न सखीजनः ।
इह प्रेत्य च नारीणां पतिरेको गतिः सदा ॥
(अयोध्या २७।६)
सर्वावस्थागता भर्तुः पादच्छाया विशिष्यते ।
(अयोध्या २७।९)

R. Paternal Command

पिता हि दैवतं तात देवतानामपि स्मृतम् ।
तस्मादैवतमित्येव करिष्यामि पितुर्वचः ॥
(अयोध्या ३४।५२)

S. Duty to a Brother

रामे प्रमादं मा कर्षीः पुत्र भ्रातरि गच्छति ।
(अयोध्या ४०।५)
भ्राता भर्ता च बन्धुश्च पिता च मम राघवः ।
(अयोध्या ५८।३१)

T. A Wife's apology: Kausalya to Dasharath
जानामि धर्मं, धर्मज्ञ त्वां जाने, सत्यवादिनम् ।

पुत्रशोकार्तया तत्तु मया किमपि भाषितम् ॥
(अयोध्या ६२।१४)

शोको नाशयते धैर्यं, शोको नाशयते श्रुतम् ।
शोको नाशयते सर्वं, नास्ति शोकसमो रिपुः ॥
(अयोध्या ६२।१५)

U. No attachment to authority and power: Guha to Bharat

धन्यस्त्वं न त्वया तुल्यं पश्यामि जगतीतले ।
अयत्नादागतं राज्यं यस्त्वं त्यक्तुमिहेच्छसि ॥
(अयोध्या ८५।१२)

V. Morality and political power

नेयं मम मही सौम्य दुर्लभा सागराम्बरा ।
नहीच्छेयमधर्मेण शक्रत्वमपि लक्ष्मण ॥
(अयोध्या ९८।१)

W. Justice and Injustice

कच्चिदार्योऽपि शुद्धात्मा क्षारितश्चापकर्मणा ।
अदृष्टः शास्त्रकुशलैर्न लोभाद्वध्यते शुचिः ॥
गृहीतश्चैव पृष्टश्च काले दृष्टः सकारणः ।
कच्चिन्न मुच्यते चोरो धनलोभान्नरर्षभ ॥
व्यसने कच्चिदाढ्यस्य दुर्बलस्य च राघव ।
अर्थ विरागाः पश्यन्ति तवामात्या बहुश्रुताः ॥
याति मिथ्याभिस्तानां पतन्त्यश्रूणि राघव ।
तानि पुत्रपशून् घ्नन्ति प्रीत्यर्थमनुशासतः ॥
(अयोध्या १०१।५६-५९)

X. Truth and Justice

सत्यमेवानृशंसं च राजवृत्तं सनातनम् ।
तस्मात् सत्यात्मकं राज्यं सत्ये लोकः प्रतिष्ठितः ॥
(अयोध्या ११०।१०)
सत्यान्नास्ति परं पदम् । (अयोध्या ११०।१३)

Y. Service of the Husband

पतिशुश्रूषणान्नार्यास्तपो नान्यद्विधीयते ।
(अयोध्या ११९।९)

Z-1. Sovereign is to be respected

धर्मपालो जनस्यास्य शरण्यश्च महायशः ।
पूजनीयश्च मान्यश्च राजा दण्डधरो गुरुः ॥
(अरण्य १।१९)

Z-2. A Sixth one point tax is subject to protection

अधर्मः सुमहान्नाथ भवेत्तस्य तु भूपतेः ।
यो हरेद्वलिषड्भागं न च रक्षति पुत्रवत् ॥
सोऽयं ब्राह्मणभूयिष्ठो वानप्रस्थगणो महान् ।
त्वं नाथोऽनाथवद्राम राक्षसैर्हन्यते भृशम् ॥
(अरण्य ६।११, १५)

A-a. Arms are like fire

अग्निसंयोगवद्धेतुः शस्त्रसंयोग उच्यते ।
(अरण्य ९।२३)

A-b. Dharma is the basis of all good—wealth, happiness, gain etc.

धर्मादर्थः प्रभवति, धर्मात् प्रभवते सुखम् ।
धर्मेण लभते सर्वं, धर्मसारमिदं जगत् ॥
(अरण्य ९।३०)

A-c. The object of Armament

क्षत्रियैर्धार्यते चापो नार्तशब्दो भवेदिति ।
(अरण्य १०।३)

A-d. The Importance of a Promise

अप्यहं जीवितं जह्यां त्वां वा सीते सलक्ष्मणाम् ।
न तु प्रतिज्ञां संश्रुत्य, ब्राह्मणेभ्यो विशेषतः ॥
(अरण्य १०।१८)

A-e. Service of the Learned

मनोरथो महानेष हृदि सम्परिवर्तते ।
यदहं तं मुनिवरं शुश्रूषेयमपि स्वयम् ॥
(अरण्य ११।३४)

A-f. The father lives on in his righteous son

भावज्ञेन कृतज्ञेन धर्मज्ञेन च लक्ष्मण ।
त्वया पुत्रेण धर्मात्मा न संवृत्तः पिता मम ॥
(अरण्य १५।२५)

A-g. Regard for step-mother

न तेऽम्बा मध्यमा तात गर्हितव्या कदाचन ।
तामेवेक्ष्वाकुनाथस्य भरतस्य कथां कुरु ॥
(अरण्य १६।३७)

A-h. Dharma-kanxi Ram

धर्मार्थं धर्मकाङ्क्षी च वनं वस्तुमिहागतः ।
(अरण्य १७।१७)

A-i. The swan drinks only milk

सलिले क्षीरमासक्तं निष्पिवन्निव सारसः ।
(अरण्य १९।८)

A-j. The Result of Oppression

उद्वेजनीयो भूतानां नृशंसः पापकर्मकृत् ।
त्रयाणामपि लोकानामीश्वरोऽपि न तिष्ठति ॥
कर्म लोकविरुद्धं तु कुर्वाणं क्षणदाचर ।
तीक्ष्णं सर्वजनो हन्ति सर्पं दुष्टमिवागतम् ॥
(अरण्य २९।३,४)

A-k. Conduct of Authorities: Shurpanakha to Ravan

प्रमत्तः कामभोगेषु स्वैरवृत्तो निरंकुशः ।
समुत्पन्नं भयं घोरं बोद्धव्यं नावबुध्यसे ॥
सक्तं ग्राम्येषु भोगेषु कामवृत्तं महीपतिम् ।
लुब्धं न बहु मन्यन्ते श्मशानाग्निमिव प्रजाः ॥
स्वयं कार्याणि यः काले नानुतिष्ठति पार्थिवः ।
स तु वै सह राज्येन तैश्च कार्यैर्विनश्यति ॥
अयुक्तचारं दुर्दर्शमस्वाधीनं नराधिपम् ।
वर्जयन्ति नरा दूरान्नदीपङ्कमिव द्विपाः ॥
ये न रक्षन्ति विषयमस्वाधीनं नराधिपाः ।
ते न वृद्ध्या प्रकाशन्ते गिरयः सागरे यथा ॥

त्वं तु बालस्वभावश्च बुद्धिहीनश्च राक्षस ।
ज्ञातव्यं तं न जानीषे कथं राजा भविष्यसि ॥
(अरण्य ३३।२-६,८)

अप्रमत्तश्च यो राजा सर्वज्ञो विजितेन्द्रियः ।
कृतज्ञो धर्मशीलश्च स राजा तिष्ठते चिरम् ॥
नयनाभ्यां प्रसुप्तो वा जागर्ति नयचक्षुषा ।
व्यक्तक्रोधप्रसादश्च स राजा पूज्यते जनैः ॥
(अरण्य ३३।२०-२१)

A-l. Advisors

सुलभाः पुरुषा राजन् सततं प्रियवादिनः ।
अप्रियस्य च पथ्यस्य वक्ता श्रोता च दुर्लभः ॥
(अरण्य ३७।२)

A-m. Adultery the most heinous offence
परदाराभिमर्शान्तु नान्यत् पापतरं महत् ।
(अरण्य ३८।३०)

A-n. Punishable Ministers

वध्याः खलु न वध्यन्ते सचिवास्तव रावण ।
ये त्वामुत्पथमारुढं न निगृह्णन्ति सर्वशः ॥
अमात्यैः कामवृत्तो हि राजा कापथमाश्रितः ।
निग्राह्यः सर्वथा सद्भिः स निग्राह्यो न गृह्यसे ॥
(अरण्य ४१।६, ७)
ये तीक्ष्णमन्त्राः सचिवा भुज्यन्ते सह तेन वै ।
विषमेषु रथाः शीघ्रं मन्दसारथयो यथा ॥
(अरण्य ४१।१२)

A-o. A Dark Deed done in a fraudulent manner
उपतस्थे च वैदेहीं भिक्षुरूपेण रावणः ।

अभव्यो भव्यरूपेण भर्तारमनुशोचतीम् ॥
(अरण्य ४६।९)

A-p. The Fruit of Deeds

न तु सद्योऽविनीतस्य दृश्यते कर्मणः फलम् ।
कालोऽप्यङ्गी भवत्यत्र सस्यानामिव पक्तये ॥
(अरण्य ४९।२७)

A-q. For the fault of one others should not suffer
एकस्य नापराधेन लोकान् हन्तुं त्वमर्हसि ।
(अरण्य ६६।६)

A-r. The dharmacharis are available everywhere
सर्वत्र खलु दृश्यन्ते साधवो धर्मचारिणः ।
शूराः शरण्याः सौमित्र तिर्यग्योनिगतेष्वपि ॥
(अरण्य ६९।२४)

A-s. The Protection of Sugriva being sought by Ram
सर्वलोकस्य धर्मात्मा शरण्यः शरणं पुरा ।
गुरुर्मे राघवः सोऽयं सुग्रीवं शरणं गतः ॥
यस्य प्रसादे सततं प्रसीदेयुरिमाः प्रजाः ।
स रामो वानरेन्द्रस्य प्रसादमभिकाङ्क्षते ॥
(किष्किन्धा ४।२०, २१)

A-t. Terms of Friendship

त्वं वयस्योऽसि हृद्यो मे, एकं दुःखं सुखं च नौ ।
(कि. ५।१८)

वालिनां तं वधिष्यामि तव भार्यापहारिणम् । (कि. ५।२६)

A-u. Laxman as Brahmchari does not look at
his brother's wife higher than her feet

नाहं जानामि केयूरे, नाहं जानामि कुण्डले ।
नूपुरे त्वभिजानामि, नित्यं पादाभिवन्दनात् ॥ (कि. ६।२२)

A-v. Grief and its depressing effect
वालिशस्तु नरो नित्यं, वैकुण्ठं योऽनुवर्तते ।
स मज्जत्यवशः शोके भाराक्रान्तेव नौर्जले ॥
ये शोकमनुवर्तन्ते, न तेषां विद्यते सुखम् ।

(कि. ७।१०, १२)

A-w. Speaking Truth irrespective of consequences
अनृतं नोक्तपूर्वं मे न च वक्ष्ये कदाचन ।
(कि. ७।२२)

A-x. Friendship

आढ्यो वापि दरिद्रो वा दुःखितः सुखितोऽपि वा ।
निर्दोषश्च सदोषश्च, वयस्यः परमा गतिः ॥ (कि. ८।८)

A-y. Compliance of Dharma

भरते धर्मवत्सले ।
पालयत्यखिलां पृथ्वी, कश्चरेद्धर्मविप्रियम् ॥

(कि. १८।१०)

A-z. Life of Lovers

इयं कनकवर्णाङ्गी रामस्य महिषी प्रिया ।
प्रणष्टापि सती यस्य मनसो न प्रणश्यति ॥ (सु. १५।४८)

अस्या देव्या मनस्तस्मिस्तस्य चास्यां प्रतिष्ठितम् ।
तेनेयं स च धर्मात्मा मुहूर्तमपि जीवति ॥ (सु. १५।५२)
अनन्या राघवेणाहं भास्करेण यथा प्रभा । (सु. २१।१५)

B-a. Want of Advisors

इह सन्तो न वा सन्ति, सतो वा नानुवर्तसे ।
यथा हि विपरीता ते बुद्धिराचारवर्जिता ॥ (सु. २१।९)

B-b. Justice

न्यायेन राजकार्याणि यः करोति दशानन ।
न स सन्तप्यते पश्चान्निश्चितार्थमतिर्नृपः ॥ (यु. १२।३०)

B-c. Qualities of a Minister, Advisor

परस्य वीर्यं, स्वबलं च बुद्ध्वा,
स्थानं क्षयं चैव तथैव वृद्धिम् ।
तथा स्वपक्षेऽप्यनुमृश्य बुद्ध्या,
वदेत् क्षमं, स्वामिहितं स मन्त्री ॥ (यु. १४।२२)

B-d. Protection

सकृदेव प्रपन्नाय तवाऽस्मीति च याचते ।
अभयं सर्वभूतेभ्यो ददाम्येतद्ब्रतं मम ॥ (यु. १८।३३)

B-e. Unjust Punishment

सर्वत्रोत्सृष्टदण्डं च लोकः सत्कुरुते नरम् ।
न साम्रा शक्यते कीर्तिर्न साम्रा शक्यते यशः ॥
(यु. २१।१६)

B-f. Dharma fully Complied

यस्मिन्न चलते धर्मो, यो धर्मं नातिवर्तते ।
यो ब्राह्ममखं वेदांश्च, वेद वेदविदां वरः ॥ (यु. २८।१९)

B-g. Study of theory with application

आचार्यो, गुरुवो, वृद्धा, वृथा वां पर्युपासिताः ।
सारं यद्राजशास्त्राणामनुजीव्यं न गृह्यते ॥ (यु. २९।९)

B-h. Purpose of Espionage

चारेण विदितः शत्रुः पण्डितैर्वसुधाधिपैः ।
युद्धे स्वल्पेन यत्नेन समासाद्य निरस्यते ॥ (यु. २९।२२)

B-i. Secret of Defence Forces

नापि सम्भाषितुं शक्याः सम्प्रश्नोऽत्र न लभ्यते ।
सर्वतो रक्ष्यते पन्था वानरैः पर्वतोपमैः ॥ (यु. ३०।६)

B-j. Charity and its Effect

नूनमन्यां मया जातिं वारितं दानमुत्तमम् ।
याहमद्यैव शोचामि भार्या सर्वातिथेरिह ॥ (यु. ३२।३०)

B-k. Raja is like the Sun for his People

दिवसकरं प्रभवो ह्ययं प्रजानाम् ।
(यु. ३३।३६)

B-l. Inability to listen to advice

न मर्षयति दुष्टात्मा, कालस्य वशमागतः ॥ (यु. ३६।१)

B-m. Inability to tender advice

रुष्टं विज्ञाय रावणम् ।

ब्रीडितो माल्यवान् वाक्यं नोत्तरं प्रत्यपद्यत ॥ (यु. ३६।१४)

B-n. Loka-santap: Removing the cause of world trouble

परिक्रमति यः सर्वाल्लोकान् सन्तापयन् प्रजाः ।
तस्याहं राक्षसेन्द्रस्य स्वयमेव वधे धृतः ॥ (यु. ३७।३०)

B-o. Not one soldier to be needlessly sacrificed
इदानीं मा कृथा वीर, एवंविधमरिन्दमम् ।

त्वयि किञ्चित्समापन्ने किं कार्यं सीतया मम ॥ (यु. ४१।४)

B-p. Truth is not afraid of Death

सत्यधर्माभिरक्तानां नास्ति मृत्युकृतं भयम् । (यु. ४६।३४)

B-q. The truthful life of Trijata

अनृतं नोक्तपूर्वं मे न च वक्ष्यामि मैथिलि । (यु. ४८।२९)

B-r. Sweet speech of Laxman even in anger

सुरुष्टेनापि वीरेण लक्ष्मणेन न सस्मरे ।
परुष विप्रियं चापि श्रावितं तु कदाचन ॥ (यु. ४९।१९)

B-s. The valiant is Truthful and Just

शूराणां शुद्धभावानां भवतामार्जवं बलम् ।
(यु. ५०।५३)

B-t. The enemy given time to rest

आश्वस्य निर्याहि रथी सधन्वी,
तदा बलं प्रेक्ष्यसि मे रथस्थः । (यु. ५९।१४४)

B-u. Untimely deed

यः पश्चात् पूर्वकार्याणि कुर्यादैश्वर्यमास्थितः ।
पूर्वं चोत्तरकार्याणि न स वेद नयानयौ ॥

(यु. ६३।५)

B-v. Sweet-tongued advisors

युद्धे कापुरुषैर्नित्यं भवद्भिः प्रियवादिभिः ।
राजानमनुगच्छद्भिः सर्वं कृत्यं विनाशितम् ॥ (यु. ६५।६)

B-w. Following the *Satpuruṣh* and leaving fear

मार्गः सत्पुरुषैर्जुष्टः सेव्यतां त्यज्यतां भयम् ॥

(यु. ६६।२४)

In the August 1958 issue of the American Bar Association Journal there is an article by Mr. Justice Frankfurter, entitled *Supreme Court in the Mirror of Justice*. It gives the qualities of judges of the Highest Judicial Tribunal in U. S. A. as deemed necessary by a judge of that Court. One of these qualities is detachment—deemed necessary for all officers of State and members of public services in India. The need for study of Valmiki as a book on Civics and Politics will have to be undertaken soon in High School Stages.

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was conducive to demo-
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detail in *Eastern Religion and
Western Thought*.

ADDENDA.

T. R. = Shri Ramamurthi garu.

Page 3, line 20 *vide* Rig. (I. 116 14), (I. 117, 16) (X. 39, 13) where the word *Vrak* is used (quoted at page 190) rendered as wolf: (I. 118, 8) does not contain the word *Vrak*. The devata of all these Sukta is Ashwi.

Page 3. The outlook of Ram is indicated by his saying *Naham arthaparo Devi.....Viddhimam rishibhistulyam*. He has neither greed nor earth-hunger. He is like a rishi-completely detached, and dedicated to *dharm* (T. Ramamurthi)

Page 5, para. 2 Ram says *Raja dand-dharo guru* (T.R.).

Page 8, line 1—The Ramayan is *dharam-Kavya*, based on the rule of Manu: *dharmo raxati raxitah*. (T. R.).

Page 8 at the end-add *Satye sarvam pritishtitam, tasmad-satyam paramam vadanti-Tait* (T.R.)

Page 12 end of para. I—The need for critical study of ancient literature is all the greater in the context of the present day moral degradation and consequent discontent the world over (T.R.)

The Raghu-vansh of Kalidas to be taught to the

young and the Ramayana recited, acted and sung by groups of children (T.R.) —Viscount Hailsham Q.C. Lord President of the Council, in a speech reported in the American Bar Association Journal May, 1958, at bottom page 415, Column 3 asks "can the West produce a political idea less offensive than the petty nationalism which has brought war and ruin wherever it has been tried—an idea not negative, but positive, an idea dynamic for peace which does not sacrifice justice nor provokes aggression". See Smith's *Why Behave Like Americans*, Chapters—9 The Political Animal, and 10 The Drama of Politics, and 17 where Are We Going?

Page 18, para. 2—It is in deference to public opinion strongly voiced by Sumantra Ayodhya XXXV, Siddharth XXXVI, 18, and Vaishtha XXXVII 21, that Bharat left no stone unturned to bring back Sri Ram to Ayodhya. (T.R.).

Page 28 before last para. The cause of the downfall of Ravana is the deliberate transgression of *Dharm*. (T.R.).

Page 51. About Yuddha (CXXVII. 63) "grand concept". (T.R.).

ADDENDA

295

Page 115, last para. Shri T. Ramamurthi wants me to add after the word strong 'but evil minded persons'. Certainly strongest *atatayinah* must be faced, but the law is not satisfied thereby. It embraces the innocent also. Shankh and Likhit were the authors of *Smrities*. They were learned men, and brothers. One visited the other and innocently in the absence of his brother tasted some fruits. The history records that he was sent by the brother to suffer punishment for his unwittingly taking of the property of his brother. Similarly even against the learned and cows the right to self-defence is well-known to exist in the *Dharmashastra*. The deer may be innocent, or a person under disability, but the deed may yet be preventable or punishable according to law. This is one of those controversial questions where opinions may legitimately differ. Manyu nevertheless stands for *Satya-parakramam* as noted by Shri T. Ramamurthi. See also *Taitriya* (I. 7. 9. 4) and *Nigh.* (II. 13) and the *Dharmakosha* Index page 111. A time was when intolerance of injustice was so powerful that *manyu* is spoken of as a source of evil. By the time of Dasharath the

society had changed so far that the deeds of Ravan did not awaken any curiosity in that monarch, much less a thought of punishment. Timidity despises change. With all his valour, Dasharath was afflicted with it. In our days people will recall the umbrella of the Cartoons depicting Mr. Chamberlain at every surrender to Hitler in appeasement.

Atharv (VI. 42. 1 3)

Page 117, point No. 4-line 3-*Jyana-Sampanna* (full of wisdom) (T.R.)

Page 118 — In Describing Dasharath, Hanuman mentions the quality of *Sukhada sukhi* i.e. "he makes others happy and himself happy."

—(T.R.). *Sunder* (XXXI. 4) may also mean: Dasharath felt happy only when he gave cause to others to make them happy.

Page 140—The beauty and significance of the advice to Shri Ram by the Rishi Agastya may be inserted here (T.R.).

Page 140—Please give the original (T.R.).

How deeply personal approach dominates the section of a subject was demonstrated by the fact that Shri Satya Priya Vratil liked the first chapter, Rule of Law; Shri Gunde Rao Harkare was influenced

by the Women in Valmiki and deeply touched by the passage which describes the meeting of Bharat with Kausalya after the exile of Ram; *Shri T. Ramamurthi* liked the Qualities of the Officers of State and the Sages in the Ramayana. I like *Religious Freedom. Capt. Surya*

Pratap would choose the Text of Valmiki. The central lesson remains: *Apakraman paurusheyad*, overcome personal desires, *uranano devyam vachah*, follow the call of Divine Power, perform noble deeds and befriend whole humanity and all creatures (Atharv VII 105 1).

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